

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

5.

OA 2735/2023 with MA 3856/2023

Ex POA (MET) Anand Shanker Pandey Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Ved Prakash, Advocate
For Respondents : Mr. Arvind Kumar, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
21.09.2023

MA 3856/2023

This is an application filed under section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 2580 days in filing the present OA. In view of the judgments of the Hon'ble Supreme Court in the matter of *UoI & Ors Vs Tarsem Singh* 2009(1)AISLJ 371 and in *Ex Sep Chain Singh Vs Union of India & Ors* (Civil Appeal No. 30073/2017 and the reasons mentioned, the MA 3856/2023 is allowed and the delay of 2580 days in filing the OA 2735/2023 is thus condoned. The MA is disposed of accordingly.

OA 2735/2023

The learned counsel for the applicant submits that the First Appeal dated 10.10.2022 preferred by the applicant for the grant of disability pension has not been disposed of by the respondents

within the stipulated period of six months till date. In terms of Section 21(2)(b) of the Armed Forces Tribunal Act, 2007, we consider it appropriate to take up the present OA for consideration.

2. Heard.

3. Issue notice

4. Mr. Arvind Kumar, Advocate appearing on behalf of the respondents accepts notice. He seeks and is granted four weeks' time to file the counter affidavit. Rejoinder, if any, may be filed within four weeks thereafter.

5. List before the Court of the Principal Registrar for completion of pleadings on 24.11.2023 and thereafter before the Bench.

6. The respondents to produce the original RMB proceedings qua the applicant on the date of final hearing with copy thereof being supplied to the applicant.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

CHANANA