

COURT NO. 3, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

39.

OA 35/2019 with MA 405/2019

Col Ombir Singh Dhaka (Retd) ... Applicant

Versus

Union of India and Ors. ... Respondents

**For Applicant : Ms. Shruti Rawat proxy for
Mr. S.S. Pandey, Advocate**

For Respondents : Gp Capt. Karan Singh Bhati, Sr. CGSC

CORAM :

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)

HON'BLE LT GEN C. P. MOHANTY, MEMBER (A)

ORDER
12.01.2023

MA 405/2019

This is an application filed under section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 1017 days in filing the present OA. In view of the judgments of the Hon'ble Supreme Court in the matter of **Uol & 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 405/2019 is allowed despite opposition of behalf of the respondents and the delay of 1017 days in filing the OA 35/2019 is thus condoned. The MA is disposed of accordingly.

OA 35/2019

Counter affidavit filed by the respondents is on record. No rejoinder is sought to be filed by the applicant.

Report of Court of Inquiry qua the applicant be produced by the respondent on the next date of hearing.

Re-list on 24.05.2023 for final hearing.

**[JUSTICE ANU MALHOTRA]
MEMBER (J)**

**[LT GEN C. P. MOHANTY]
MEMBER (A)**

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