

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

66.

OA 944/2018 with MA 633/2021 and 818/2018

Ex Sep Sukhviri Singh

... Applicant

Versus

Union of India and Ors.

... Respondents

For Applicant : Mr. Romil Pathak, Advocate

For Respondents : Mr. Shyam Narayan, Advocate

CORAM :

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

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

ORDER

11.01.2023

MA 818/2018

This is an application filed under Section 22(2) of the Armed Forces Tribunal Act, 2007, seeking condonation of delay of 1172 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 818/2018 is allowed and the delay of 1172 days in filing the OA 944/2018 is thus condoned despite opposition on behalf of the respondents. The MA is disposed of accordingly.

MA 633/2021

This is an application filed on behalf of the respondents for condonation of delay of 337 days in filing the counter affidavit. In view of the reasons explained in the MA and in the interest of justice, the MA 633/2021 seeking the condonation of the delay is allowed. Counter affidavit filed by respondents is taken on the record. The MA thus stands disposed of.

OA 944/2018

The rejoinder on behalf of the applicant has been filed.

Pleadings are complete.

Learned counsel for the applicant is stated to be busy in other Bench. The matter be re-notified for final hearing on **02.02.2023.**

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

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