

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

61.

OA 400/2019 WITH MA 951/2019

Ex ERA-2 Suman Kumar Choudhary ... Applicant

Versus

Union of India & Ors. ... Respondents

For Applicant : Mr. Ved Prakash, Advocate

For Respondents : Mr. Arvind Patel, Advocate

CORAM :

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

HON'BLE LT GEN P. M. HARIZ, MEMBER (A)

ORDER
06.01.2023

MA 951/2019

This is an application filed under Section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 223 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 951/2019 is allowed and the delay in filing the OA 400/2019 is thus condoned. The MA is disposed of accordingly.

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OA 400/2019

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

Re-list for final hearing on 17.03.2023.

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

**[LT GEN P. M. HARIZ]
MEMBER (A)**

Chanana/Pooja