

COURT NO. 1, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

9.

OA 3160/2023 with MA 4344/2023

JWO Ashish Kumar (Retd)

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant

: Mr. Dhiraj Kumar & Tatsat Shukla,

Advocate

For Respondents

: Ms. Sheetal Raghuvanshi, Advocate

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

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

ORDER

18.10.2023

MA 4344/2023

Heard on this application seeking condonation of 579 days of delay. Keeping in view the reasons indicated in the application and the law laid down by the Hon'ble Supreme Court in the case of *Deokinandan Prasad Vs. State of Bihar* [AIR 971 Supreme Court Page 1409] and in *UOI & Ors. Vs. Tarsem Singh 2008 (8) SCC page 648*, the delay is condoned.

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Considering the fact that the issue has already been decided not only by various Benches of this Tribunal but also by Hon'ble Supreme Court in the matter of *The Director (Admn and HR) KPTCL and Ors. Vs. C.P. Mundinamani and Ors.* (Civil Appeal No. 2471/ 2023) decided on 11.04.2023, for the present, we dispose of this application with the following directions.

- (i) On the applicant filing a representation along with a certified copy of this order and relevant particulars of the

orders passed on the issue involved, respondents shall decide the same in accordance with law within a period of three months from the date of receipt of a copy of this order and communicate the decision to the applicant

- (ii) if still aggrieved, the applicant will have the option to seek revival of this matter in accordance with law.

2. OA stands disposed of.

[RAJENDRA MENON]
CHAIRPERSON

[C. P. MOHANTY]
MEMBER (A)

/sm/