

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

24.

MA 2236/2024 in OA 1463/2024

JWO Chaval Singh (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Ramniwas Bansal, Advocate
For Respondents : Dr. Vijendra Singh Mahndiyan, Advocate

CORAM

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

ORDER
22.05.2024

MA 2236/2024 has been filed by the applicant seeking modification of the order dated 03.05.2024 in OA 1463/2024 with the following prayers:-

“(a) The correct date of impugned order may be amended as “10 Nov 2004” in para 1 (a) and condonation of delay of “7112 days” in para 1 of the aforesaid order.

“(b) Any other order which the Hon'ble Tribunal may deem fit and proper in the interest of justice.”

2. The records of OA 1463/2024 indicate that the date of the impugned order is 10.11.2004 and has apparently been erroneously mentioned as being 10.11.2024 on page 2 of the order dated 03.05.2024 in OA 1463/2024 in the first paragraph and it has been stated to the effect:-

“The applicant, vide the present OA makes the following prayers:

*" (a) To quash and set aside the impugned order dated 10 Nov 2024, PPO No.08/14/B/06488/2004 dated 14 September 2004 and Corrigendum PPO (No * 0.08 / 14) / B /Corr/20789/2005 dated 07 Jun 2005, to the extent the orders deny grant of pension for the rank of Junior Warrant Officer(JWO) to applicant, in contravention to the law settled on the subject; and*

Which is thus rectified to read to the effect:-

"The applicant, vide the present OA makes the following prayers:

*" (a) To quash and set aside the impugned order dated 10 Nov 2004, PPO No.08/14/B/06488/2004 dated 14 September 2004 and Corrigendum PPO (No * 0.08 / 14) / B /Corr/20789/2005 dated 07 Jun 2005, to the extent the orders deny grant of pension for the rank of Junior Warrant Officer(JWO) to applicant, in contravention to the law settled on the subject; and*

3. As regards, the other prayer made by the applicant submitting to the effect that the condonation of delay of 7112 days be granted in place of the prayer having been allowed vide order dated 03.05.2024 qua MA 1289/2024 whereby the condonation of delay was granted for a period of 3566 days in institution of the OA.Counsel for the applicant submits that the mentioning of the period of 3566 days in MA 1289/2024 has filed in OA 1463/2024 was an inadvertent error.On behalf of the respondents there is no opposition to the prayer even in relation to the period of condonation of delay in institution of the OA.

4. In view thereof, in the interest of justice the prayer made by the applicant seeking modification of the observations in the order dated 03.05.2024 qua MA 1289/2024 whereby the

condonation of delay 3566 days was allowed and it has been stated that the delay of 3466 days has been condoned, is modified to read to the effect that the delay of period of 7112 days is condoned.

5. The MA 2236/2024 is thus disposed of accordingly.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

AP