

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

4.

OA 3228/2024 with MA 3513/2024 & 3514/2024

Nk (ACP-1) Jasvir Singh (Retd) & Ors. Applicant
VERSUS

Union of India and Ors. Respondents

For Applicant : Mr. Madan Pal Vats & Abhay Kant
Upadhyaya, Advocates

For Respondents : Mr. Neeraj, Sr. CGSC with
Mr. Rudra Paliwal, Advocate

CORAM

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

ORDER
28.08.2024

MA 3514/2024

This application has been filed by the two applicants under Rule 4 (5) of the AFT Procedure Rules 2008 seeking to join together in representative capacity submitting to the effect that the relief prayed by them is based on the same cause of action submitting to the effect that the grant of the OROP benefits have been declined, in view of they having opted for discharge voluntarily. In the interest of justice and in view of the reasons mentioned and as the counsel for the applicant submits that he represents both the applicants, the MA 3514/2024 is allowed and the two applicants are allowed to join together to institute the present OA. The MA 3514/2024 is thus disposed of accordingly.

MA 3513/2024

2. This application has been filed on behalf of the applicant seeking condonation of delay of 1866 days in filing the present OA. In view of the reasons mentioned therein and the verdict of the Hon'ble Supreme Court in the matter of UoI & Ors Vs. Tarsem Singh 2009(1)AISLJ 371, the MA 3513/2024 is allowed despite opposition on behalf of the respondents and the delay in filing the OA 3228/2024 is thus condoned. The MA is disposed of accordingly.

OA 3228/2024

3. Notice of the OA is issued and accepted on behalf of the respondents. The pleadings in the matter are directed to be completed within a period of three months by either side and the matter be listed before the Principal Registrar for completion of pleadings on 09.09.2024.

4. In as much as the issue involved in the present OA is identical to the aspect reserved for adjudication in OA 313/2022 by Hon'ble Court 1, the Registry is directed to re-notify the matter after disposal of OA 313/2022.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)