

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

73.

OA 5227/2024 with MA 5472/2024

HFO Birendra Jha (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Manoj Kr Gupta & Prachi, Advocates
For Respondents : Mr. Pankaj Sharma, DAV, Air Force

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN C. P. MOHANTY, MEMBER (A)

ORDER
17.12.2024

MA 5472/2024

This is an application filed by the applicant under Section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of 2387 days delay 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), the MA 5472/2024 is allowed and the delay in filing the OA 5227/2024 is thus condoned.

OA 5227/2024

2. Notice of the OA is issued and accepted on behalf of the respondents.
3. In the interest of justice, it is considered appropriate that the respondents shall explain the reasons for recovery being made

from the applicant apart from the recovery in relation to the commuted service pension as per the pension slips placed at pages 21-40 on the record.

4. Re-list the matter on 18.12.2024 at the end of the Board.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN C. P. MOHANTY)
MEMBER (A)

AP