

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

24.

OA 1709/2025 WITH MA 2484/2025

Capt Bakshi Yogishwar Nath Vaid (Retd)	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant	:	Mr. Ajit Kakkar, Advocate
For Respondents	:	Mr. R.S. Chillar, Advocate

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HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
30.05.2025

The applicant has invoked the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, challenging the order dated 28.01.1984 passed by the Competent Authority, whereby he was dismissed from service following a General Court Martial (GCM) on charges under Section 38(F) (Overstaying Leave) and Section 54 (B) (Loss of Identity Card) of the Army Act, 1950.

2. The facts of the case reveal that the applicant was commissioned into the Indian Army on 23.06.1968. He was tried by a GCM and dismissed from service on 28.01.1984 for unauthorized absence and overstaying his leave. From the date of dismissal in 1984, the applicant remained silent for over 41 years and took no legal recourse. It was only on 16.04.2025 that, for the first time, the applicant got issued

a legal notice through his counsel. When the said notice was not responded to, the applicant filed the present application before this Tribunal.

3. An application for condonation of delay, registered as MA No. 2484/2025, has also been filed by the applicant under Section 22 of the Armed Forces Tribunal Act, 2007 read with Section 5 of the Limitation Act 1963. The total delay sought to be condoned is of 14,965 days (over 41 years). The sole ground cited for the condonation of this inordinate delay is that the applicant allegedly lost his mental balance and was thus unable to avail himself of legal remedies. It is only upon regaining mental and physical stability in the year 2024-2025, with the assistance of his brother, that he consulted a lawyer and issued the legal notice.

5. No other reasonable explanation has been given for the long delay. Furthermore, under the relevant provisions of Army Regulations, the records of the case are destroyed after 25 years, making it virtually impossible to adjudicate the matter on merits due to non availability of records now.

6. In our considered view, this is not a fit case for exercising jurisdiction after such an inordinate and unexplained delay. The explanation given does not satisfy the

legal standards required for condonation of delay under Section 22 of the Armed Forces Tribunal Act, 2007 read with Section 5 of the Limitation Act 1963. No evidence regarding the applicant's ailment, as mentioned in the application for condonation of delay, has been provided.

7. Accordingly, the OA along with MA for condonation of delay is dismissed.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

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