

Notes of the Registry	Orders of the Tribunal.
	<p style="text-align: center;"><b>IN THE ARMED FORCES TRIBUNAL REGIONAL BENCH, GUWAHATI.</b></p> <p style="text-align: center;"><b><u>M.A.65/2016</u></b> (in OA- 69/2016)</p> <p><b>Ex-Nk (TS) Lunkam Vaiphei</b></p> <p style="text-align: right;">..... <b>Applicant.</b> By legal practitioners for Applicant. <b>Mrs Rita Devi,</b> <b>Mr. AR Tahbildar,</b></p> <p style="text-align: center;"><b>-Versus-</b></p> <p><b>UOI &amp; Others.</b></p> <p style="text-align: right;">..... <b>Respondents</b> By legal practitioners for Respondents. <b>Mr.N.Baruah,CGSC.</b></p> <p style="text-align: center;"><b><u>PRESENT</u></b></p> <p style="text-align: center;"><b>HON`BLE MR. JUSTICE B.P.KATAKEY, OFFICIATING CHAIRPERSON</b> <b>HON`BLE LT GEN SANJIV LANGER, MEMBER (A)</b></p> <p style="text-align: center;"><b><u>ORDER</u></b></p> <p><b><u>16.12.2016.</u></b></p> <ol style="list-style-type: none"> <li>1. Heard Mr.A.R.Tahbildar, learned counsel appearing for the applicant and Mr.N.Baruah, learned CGSC assisted by Col Anand, OIC, Legal Cell, AFT, Guwahati appearing for the respondents.</li> <li>2. The applicant has filed this MA seeking condonation of delay in filing the OA claiming the disability pension with the benefit of broad banding of disability element of the pension contending inter-alia that since the claim for disability pension is based on continuing cause of action, which arises every month, the delay needs to be condoned.</li> <li>3. The learned counsel for the respondents submits that the applicant having failed to demonstrate sufficient cause in not filing the OA on time, the MA needs to be dismissed.</li> </ol>

4. Having heard the learned counsel for the parties and upon perusal of the averments made in the application and also the claim of the applicant made in the OA, we are of the considered opinion that since the claim in the OA is based on a continuing cause of action, which arises every month, the MA needs to be disposed of with the observation that in case the applicant is found to be entitled to the claim made in the OA, the arrear may be restricted for a period of 03 years preceeding the date of filing of the OA or the date of filing of the representation, whichever occurs earlier.

5. MA is accordingly disposed of.

**MEMBER (A)**

**OFFICIATING CHAIRPERSON**

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