

**IN THE ARMED FORCES TRIBUNAL
REGIONAL BENCH, GUWAHATI.**

MA - 11/2017
(In OA - 10/2017)

Ex-Nk (TS) Hauchin Kham

.....**Applicant.**
By legal practitioners
for Applicant.
Mrs Rita Devi
Mr. AR Tahbildar

-Versus-

1. **Union of India,**
Represented by the Secretary,
Ministry of Defence, Sena Bhawan,
South Block, New Delhi-110011.
2. **ASC Records (South)**
PIN- 900493, C/o 56 APO.
3. **Additional Director General,**
Personnel Services, PS-4(d)
Adjutant General's Branch,
IHQ of MoD(Army), DHQ,
P.O. New Delhi.
4. **The Principal Controller of Defence Accts (Pension),**
Allahabad, Pin 211014, Uttar Pradesh.

.....**Respondents**
By legal practitioners
for Respondents.
Mr. N.Baruah,,CGSC.

PRESENT
HON'BLE MR. JUSTICE B.P.KATAKEY, MEMBER (J)
HON'BLE VICE ADMIRAL MP MURALIDHARAN, MEMBER (A)

ORDER

21.03.2017.

Heard Mrs Rita Devi, learned Counsel for the applicant and Mr. Nilutpal Baruah, learned Central Govt. Standing Counsel assisted by Col Anand, OIC, Legal Cell, Guwahati appearing for the respondents.

2. The applicant has filed this application seeking condonation of delay in filing the O.A.-10/2017 contending, inter alia, that since the claim of the applicant in the O.A. for granting rounding off benefit is based on a continuing cause of action, which arises every months, the delay needs to be condoned.

3. Learned Counsel appearing for the respondents, on the other hand, submits that as the applicant having failed to demonstrate any sufficient cause in not filing the O.A. on time, the delay may not be condoned.

4. Having heard the learned Counsel appearing for the parties and upon perusal of the averments made in the application and also the claim of the applicant in the O.A., which is for granting the rounding off benefit of the disability element of the pension, we are of the considered opinion that the M.A. needs to be disposed of with the observation that in the event the applicant is found to be entitled to the relief, claimed in the O.A., the arrear may be restricted for a period of 3 (three) years preceding to the date of filing of the O.A.

5. M.A. accordingly stands disposed of.

MEMBER (A)

MEMBER (J)

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