

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

MA- 48/2017
(In OA-56/2017)

Ex-Naik (TS) Bhupendra Nath Das,
No. 14253210P,
S/o Late Sarbeswar Das,
VIII. Pathsala, Chandra Nagar,
Ward No. 9, P.O. Pathsala,
Dist. Barpeta, Assam.

.....**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, New Delhi-11.
2. **OIC Records, Signals,**
Pin (Army) 908770,
C/o 56 APO.
3. **Additional Directorate General**
Personnel Services, PS-4(d),
Adjutant General's Branch,
IHQ of MoD (Army), DHQ, New Delhi.
4. **The Principal Controller of Defence**
Accounts (Pension), Allahabad, Pin 211014,
Uttar Pradesh.

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

PRESENT
HON`BLE DR. (MRS) JUSTICE INDIRA SHAH, MEMBER (J)
HON`BLE LT GEN C.A.KRISHNAN, MEMBER (A)

ORDER
21.02.2018

This Miscellaneous Application has been filed for condonation of delay of 17 years in filing the Original Application No. 56/2017.

2. Having heard the learned Counsel for the applicant we are convinced that the applicant`s case for broad banding of disability pension which is based on continuing cause of action and which arises every month, the delay in filing the OA needs to be condoned. The MA is accordingly allowed 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 depending upon the merits of the O.A.

3. M.A. is accordingly disposed of.

MEMBER (A)

MEMBER (J)

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