

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

**RA-02/2017  
( In MA-18/2017 & OA-16/2017)**

Ex Sig man Deben Chandra Kalita.  
House No.52, VIP Road, Chachal(Six Mile,  
PO Khanapara,Dist. Kamrup (M) 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-1
2. The Records signals PIN 901124 C/O 56 APO
3. The Additional Directorate General  
Personal Services PS 4(d)  
Adjutant General's Branch,IHQ of MOD(Army)  
DHQ, PO New Delhi.

..... Respondents.

By Legal Practitioner for the  
Respondents  
Mr. N.Baruah CGSC

**PRESENT**

**HON'BLE DR.(MRS) JUSTICE INDIRA SHAH, MEMBER (J)  
HON'BLE LT GEN GAUTAM MOORTHY, MEMBER (A)**

11.05.2018

1. This is an application for review of the Judgment and order dated 24.10.2017 passed by the Armed Forces Tribunal, Regional bench, Guwahati whereby the MA No.18/2017 filed by the applicant for condonation of delay in filing the OA 16-2017 was dismissed consequent thereof the connected OA was also dismissed.

2. Heard Mr.A.R.Tahbildar, learned counsel appearing for the applicant and Mr.N.Baruah, learned counsel appearing for the respondents.

3. It is submitted by the learned counsel for the applicant that there was delay of 36 years in filing the OA as because the PCDA(P) Allahabad never furnished a copy of the impugned order dated 23.11.1979 to the applicant. Moreover, in the case of pension the cause of action actually continues from month to month. It is further submitted that since the condonation of delay in respect of applicant's case would not affect any 3<sup>rd</sup> party, hence the doctrine of laches /limitations does not apply in this case. It is urged that the applicant's case is required to be heard on merit and not on the point of delay.

4. On perusal of the impugned order passed in OA-16/2017, it appears that all the points on the issue of delay were argued and considered at length.

5. The earlier Judgment and order in OA-16/2017 does not show any error apparent on the fact of the record. There is no other ground for review of the impugned order considering the limited scope of the Review Application.

6. We accordingly dismiss this Review Application being devoid of merit.

**MEMBER(A)**

**MEMBER(J)**

**mc**