

IN THE ARMED FORCES TRIBUNAL  
REGIONAL BENCH, GUWAHATI.

MA - 12/2017

Ex-Nb Sub Zamchinlam Simte

.....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. **Records The Assam Regiment,**  
**PIN (ARMY) - 900332, C/o 99 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. C.Barua, 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. Chandra Barua, learned Central Govt. Standing Counsel assisted by Col Anand, OIC, Legal Cell, Guwahati appearing for the respondents.

2. The applicant has filed this M.A. seeking condonation of delay contending, inter alia, that since the claim for disability element of the pension in the O.A. is based on continuing cause of action, the delay needs to be condoned.

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

4. The claim of the applicant in the O.A. is for grant of disability element of the pension, which is being based on continuing cause of action, and hence 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 claim made in the O.A., the arrears may be restricted for a period of 3 (three) years preceding the date of filing of the O.A.

5. M.A. is accordingly disposed of.

**MEMBER (A)**

**MEMBER (J)**

Nath.