

IN THE ARMED FORCES TRIBUNAL
REGIONAL BENCH, GUWAHATI.

MA – 74 of 2016
(IN OA – 78/2017)

Ex-Sep Vumkhotuan,
No. 4345034,
Vill. Lungehin, P.O. Singhat,
Dist Churachandpur, Manipur.

.....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-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,
HQ 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

22.03.2017.

Heard Mr. A.R.Tahbildar, 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 contending, inter alia, that since the claim of the applicant in the O.A. is for grant of disability element of the pension, which is based on continuing case of action, the delay needs to be condoned.

3. The prayer made in the application has been opposed to by the learned Counsel for the respondents contending that since the applicant has failed to demonstrate any sufficient case in not filing the O.A. on time, the delay may not be condoned.

4. Having regard to the fact that the applicant's claim in the O.A. is for grant of disability element of the pension, which is based on continuing cause of action, we disposed of the M.A. with the observation that if 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 the date of filing of the O.A.

5. M.A. accordingly stands disposed.

MEMBER (A)

MEMBER (J)

Nath