

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

MA- 33/2017
(In OA-39/2017)

Ex-Hav Hitesh Ch. Bezbaruah
No. 14254319-N,
S/o Late Arun Ch. Seal,
Vill & PO- Batsor,
Dist. Nalbari, 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. **Signal Records,**
Post Bag No. 5,
Jabalpur 482001. .
3. **Additional Directorate 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**
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

20.02.2018

Heard Mr.A R Tahbildar, learned Counsel for the applicant and Mr. N.Baruah, learned Central Govt. Standing Counsel appearing for the respondents.

2. This MA 33/17 has been filed for condonation of delay of 3 years 6 months in filing the connected O.A. 39/2017.

3. The applicant has filed O.A. 39/2017 seeking disability pension. The same has been filed after a delay of 3 years 6 months.

4. As the matter pertains to pension, which is an occurring and continuing cause of action and in view of the principles laid down by the Hon`ble Apex Court in the Union of India & Ors. Vs. Tarsem Singh, 2008 (8) SCC 648, the delay can be condoned in such matter without attaching much significance to limitation.

5. In view of the aforesaid principles laid down by the Hon`ble Apex Court, the delay of 3 years 6 months in filing the O.A. 39/2017 is condoned. However, if the applicant succeeds he will be entitled to arrears of pension for the period of 3 (three) years prior to the date of filing the Original Application to this Tribunal, i.e. 21.7.2017.

5. The Application filed for condonation of delay is allowed.

MEMBER (A)

MEMBER(J)

Nath.