

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

MA- 32/2017  
(In OA-38/2017)

Ex-Nk (TS) HM Kom

.....**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. **The Records, Signals,**  
**PIN (ARMY)- 901124,**  
**C/o 56 APO.**
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. D.C.Chakravarty, 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. R Tahbildar, learned Counsel for the applicant and Mr. D.C.Chakravarty,  
learned Central Govt. Standing Counsel appearing for the respondents.

2. This MA 32/17 has been filed for condonation of delay of 17 years 3 months in filing  
the connected O.A. 38/2017.

3. The applicant has filed O.A. 38/2017 seeking disability pension. The same has been filed after a delay of 17 years 3 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 17 years 3 months in filing the O.A. 38/2017 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.

6. The application filed for condonation is allowed.

**MEMBER (A)**

**MEMBER(J)**

Nath.