

| Notes of the Registry | Orders of the Tribunal. |
|-----------------------|---|
| | <p style="text-align: center;">IN THE ARMED FORCES TRIBUNAL REGIONAL BENCH, GUWAHATI.</p> <p style="text-align: center;"><u>M.A. 19/2017</u> (in OA- 17/2017)</p> <p style="text-align: center;">Ex Nk Tongkhonthang Kuki</p> <p style="text-align: right;">..... Applicant. By legal practitioners for Applicant. Mrs Rita Devi, Mr. AR Tahbildar,</p> <p style="text-align: center;">-Versus-</p> <p style="text-align: center;">UOI & Others.</p> <p style="text-align: right;">..... Respondents By legal practitioners for Respondents. Mr. N.Baruah,CGSC.</p> <p style="text-align: center;"><u>PRESENT</u></p> <p style="text-align: center;">HON`BLE MR. JUSTICE B.P.KATAKEY, MEMBER(J) HON`BLE LT GEN GAUTAM MOORTHY, MEMBER (A)</p> <p style="text-align: center;"><u>ORDER</u></p> <p><u>18.04.2017.</u></p> <ol style="list-style-type: none"> 1. Heard Mr. AR Tahbildar, learned counsel appearing for the applicant and Mr. N.Baruah, learned CGSC appearing for the respondents. 2. The applicant has filed this MA seeking condonation of delay in filing the OA claiming the benefit of rounding off the disability element of the pension contending <i>inter-alia</i> that since the claim for disability pension is based on continuing cause of action, which arises every month, the delay needs to be condoned. |

3. The learned counsel appearing for the respondents on the other hand has submitted that since the applicant has failed to demonstrate any ground in not approaching this Tribunal with the time limit, the delay may not be condoned.

4. Having heard the learned counsel for the parties and upon perusal of the averments made in the applicant and also the claim of the applicant made in the OA, which is for rounding off the disability element of the pension, we are of the considered opinion that since the claim in the OA is based on a continuing cause of action, which arises every month, the MA needs to be disposed of with the observation that in case the applicant is found to be entitled to the claim made in the OA, the arrear may be restricted for a period of 03 (three)years preceding the date of filing of the OA or the date of filing of the representation before the authority claiming such benefit, whichever has occurred earlier.

5. MA is accordingly disposed of.

MEMBER (A)

MEMBER (J)

MC

