

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

M.A. 05 of 2017
(In O.A-04/2017)

No. 14913830F
Ex-Nk(TS) Khimsuan Lian,
Vill Lailam Veng, Churachandpur,
P.O. Churachandpur,
Dist. Churachandpur (Manipur)
Pin- 795128.

.....**Applicant.**
By legal practitioners
for Applicant.
Mrs. Rita Devi,
Mr. R Tahbildar.

-Versus-

1. Union of India
Through Secretary,
Ministry of Defence,
Sena Bhawan, New Delhi-110011.
2. Records The Mech Inf Regiment
Pin 900476, C/o 56 APO.
3. Additional Directorate General,
Personnel Services, P.S.-4(d),
Adjutant General's Branch,
IHQ of MoD(Army), DHQ, P.O. New Delhi.
4. The Principal Controller of Defence Acctts(P),
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

24 Mar. 2017

(By B.P.Katakey,J.)

Heard Mr.AR Tahbildar, learned Counsel for the applicant and Mr.
N.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 in filing the O.A. contending inter alia that since the claim of the applicant in the O.A. for rounding off the benefit is based on a continuing cause of action which arises every month, the delay needs to be condoned.

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

4. Having heard the learned Counsel for the parties and upon perusal of the averments made in the application and also the claim of the applicant in the O.A., which is for granting rounding off benefit of the disability element of the pension, 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 entitled to the relief claimed in the O.A., the arrear may be restricted for a period of 3 years preceding the date of filing of the O.A.

5. M.A. accordingly stands disposed of.

MEMBER(A)

MEMBER(J)

Nath.