

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

**M.A. 20/2017**  
(in OA- 18/2017)

**Ex-Sub & Hony Capt HB Dilthu Anal**

..... **Applicant.**

By legal practitioners for  
Applicant.

**Mrs Rita Devi,  
Mr. AR Tahbildar,**

**-Versus-**

**UOI & Others.**

..... **Respondents**

By legal practitioners for  
Respondents.

**Brig N. Deka (Retd), CGSC.**

**PRESENT**

**HON'BLE MR. JUSTICE B.P.KATAKEY, MEMBER (J)  
HON'BLE LT GEN GAUTAM MOORTHY, MEMBER (A)**

**ORDER**

**20.04.2017**

1. Heard Mr. AR Tahbildar, learned counsel appearing for the applicant and Brig N. Deka (Retd), learned CGSC assisted by Lt Akash Vashishta, OIC Legal Cell, 51 Sub Area appearing for the respondents.

2. The applicant, who has filed OA-18 of 2017 claiming the benefit of broad banding disability element of the pension, has filed this application seeking condonation of delay, contending inter-alia that since the claim is based on continuing cause of action, which arises every month, the delay needs to be condoned.

3. The prayer so made by the applicant is opposed by the learned counsel for the respondents contending inter-alia that since the applicant has failed to demonstrate sufficient cause in not approaching this Tribunal within time allowed by law, delay may not be condoned.

4. The applicant has filed the OA claiming benefit of broad banding of the disability element of the pension, which arises every month.

5. In view of above, we dispose of the MA with the observation that if the applicant is found to be entitled to the relief claimed in the OA, the arrear may be restricted for a period of 03 years preceeding the date of filing of the OA or the date of filing of the representation, whichever occurs earlier.

6. MA is accordingly disposed of.

**MEMBER (A)**

**MEMBER (J)**

Kalita

