Notes of the Registry	Orders of the Tribunal.
	IN THE ARMED FORCES TRIBUNAL REGIONAL BENCH, GUWAHATI.

M.A. 23/2017
(in OA- 22/2017)

No. 15358036P Hav (ACP-1)
Longjam Sanajaoa Singh

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

-Versus-

UOI & Others.

.... **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

24.05.2017

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

2. The applicant has filed this MA seeking condonation of delay in filing the OA contending inter-alia that since the claim of the applicant in the OA is for grant of disability element of pension which is based on continuing cause of action, which arises every month, the delay needs to be condoned. Learned counsel appearing for the applicant submitted that if necessary, payment of arrear may be restricted for a period of three years preceeding the date of filing the representation before the respondent authorities.

3. The learned counsel appearing for the respondents, on the other hand, submits that the applicant having failed to demonstrate sufficient cause in not filing the OA 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 made in the OA, 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 the event, the applicant is found to be entitled to the claim made in the OA, the arrear may be restricted for a period of 03 years preceeding the date of filing the representation i.e. on 06.03.2017.

5. MA is accordingly disposed of.

MEMBER (A)   **MEMBER (J)**

Kalita