

Notes of the Registry	Orders of the Tribunal.
	<p style="text-align: center;"><b>IN THE ARMED FORCES TRIBUNAL REGIONAL BENCH, GUWAHATI.</b></p> <p style="text-align: center;"><b><u>M.A. 30/2017</u></b> (in OA- 37/2017)</p> <p><b>No. 4351867 Ex Sep Taulchinthong</b></p> <p style="text-align: right;">..... <b>Applicant.</b> By legal practitioners for Applicant. <b>Mrs Rita Devi, Mr. AR Tahbildar,</b></p> <p style="text-align: center;"><b>-Versus-</b></p> <p><b>UOI &amp; Others.</b></p> <p style="text-align: right;">..... <b>Respondents</b> By legal practitioners for Respondents. <b>Mr. N. Baruah, CGSC.</b></p> <p style="text-align: center;"><b><u>PRESENT</u></b></p> <p style="text-align: center;"><b>HON`BLE MR. JUSTICE B.P.KATAKEY, MEMBER (J) HON`BLE LT GEN GAUTAM MOORTHY, MEMBER (A)</b></p> <p style="text-align: center;"><b><u>ORDER</u></b></p> <p><b><u>27.06.2017</u></b></p> <p>1. Heard Mr. AR Tahbildar, learned counsel appearing for the applicant and Mr. N. Baruah, learned CGSC assisted by Lt. Akash Bashisht, OIC, Legal Cell, AFT, 51 Sub Area appearing for the respondents.</p> <p>2. The applicant has filed this MA seeking condonation of delay of 01 year 03 months 15 days in filing the OA claiming the benefit of rounding off disability element of pension from 30% to 50% from the date of his discharge i.e. 01.09.2015 contending inter-alia that since the claim of the applicant in the OA is based on continuing cause of action, which arises every month, the delay needs to be condoned.</p>

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, we are of the considered opinion that since the claim of the applicant made in the OA is based on continuing cause of action, which arises every month and the applicant could demonstrate sufficient ground in not filing the OA on time, the delay needs to be condoned. Accordingly, the delay is condoned.

5. MA is accordingly disposed of.

**MEMBER (A)**

**MEMBER (J)**

*Kalita*

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