

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

MA-08-2018

AND OA-16/2018

PRESENT

**HON'BLE DR.(MRS) JUSTICE INDIRA SHAH, MEMBER (J)
HON'BLE LT GEN GAUTAM MOORTHY, MEMBER (A)**

Shri Asuli Mao, Ex Rect 4345501 S/O Pukeni Mao
Permanent resident of Chowainamei Khunou Village
PO Tadubi PS Mao, District Senapati Manipur-795104

..... Applicant

**By Legal Practitioner for the
Applicant
Mr. S.Pfokrelo**

-VS_

1. Union of India represented by Secretary Ministry of Of Defence Govt.of India, New Delhi.
2. The Officer in charge Records the Assam Regiment Pin (Army) 900332 C/. 99 APO

.... **Respondent.**

**By legal practitioners for
Respondents.
Mr.C.Baruah,CGSC**

ORDER
11.05.2018

(Dr(Mrs) Justice I.Shah)

1. This is an application filed under section 22(2) of the Armed Forces Tribunal Act, 2007 read with section 5 of the Limitation Act praying for condonation of delay of 15,917 days in filing the OA No.16/2018.
2. Heard Mr. S.Prokrelo, learned counsel appearing for the applicant and Mr. C.Baruah, learned CGSC appearing for the respondents.
3. The applicant was enrolled as Sepoy on 22.2.1971. It is his case that while he was undergoing training in "Monkey Rope" in the Regimental Centre, he slipped and fell down and thereby sustained serious injury in his back bone. He was treated at Military Hospital but he could not recover. Thereafter, the Commanding Officer discharged him under Rule 13(3) (ii) (III) of the Army Rules , 1954.
4. The applicant being illiterate and resident of a remote village of Manipur could not approach the authority and therefore, the delay in filing the connected OA.
5. It is averred in the MA as well as in the OA that the applicant submitted a representation with prayer to Respondent No.2 to grant him disability pension on 30.10.2017 but it was intimated to him that the service documents had been destroyed for which the Office is unable to process the case with PCDA(P),Allahabad.
6. On perusal of the certificate of service annexed in the OA, it appears that the applicant was discharged "due to become an inefficient Soldier " The applicant has annexed a disability certificate issued by the State Medical Board dated 27.10.2017. The aforesaid certificate does not disclose that the applicant suffered any disability in the year 1971 while he was in military service.

7. There is nothing on record to substantiate the claim of the applicant that he sustained injury while undergoing training in "Monkey Rope" in the Regimental Centre in the year 1971 or he was discharged from service on medical grounds.

8. We are, therefore, not inclined to condone the delay of 15,917 days in filing the present OA. Accordingly, this Misc Application is dismissed and consequent thereof the Original Application also stands dismissed.

MEMBER (A)

MEMBER (J)

mc

