

IN THE ARMED FORCES TRIBUNAL

REGIONAL BENCH, GUWAHATI

**MA-14/2015
(in OA -04/2015)**

Ex.Sep Mayangtenjen Ao

Applicant

**By legal practitioners for
Applicant**

Mr. T Imti Longcher

- Versus -

1.Union of India & ors

Respondents

**By legal practitioner for
Respondents**

Mr. S.Bhattacharjee.

P R E S E N T

**HON'BLE MR.JUSTICE N.K.AGARWAL, MEMBER (J)
HON'BLE LT GEN (RETD) GAUTAM MOORTHY, MEMBER (A)**

27.01,2016

Heard Ms.Susentella Aier, learned counsel for the applicant. Also heard Ms P.Sarkar, learned counsel representing the learned CGSC Col Anand, learned JAG officer is also present..

MA-14/2015 has been filed for condonation of delay of 43 yrs 11 months 4 days filing the connected OA-04/2015

The applicant has filed OA 04/2015 seeking grant of service element/ pension. The same has been filed after a delay of 43 years 11 months 4 days. As the matter pertains to pension,

which is an occurring and continuing cause of action and in view of the principles laid down by the Hon'ble Apex Court in the case of ***Union of India and Ors. Vs. Tersem Singh reported in 2008 (8) SCC 648***, the delay can be condoned in such matters without attaching much significance to limitation.

In view of the aforesaid principle laid down by the Hon'ble Apex Court, delay of 43 years 11 months 4 days in filing the Original Application is condoned. However, if the applicant succeeds he will be entitled to arrear of pension for the period of 3 years prior to the date of filing the Original application to this Tribunal i.e. 10.02.2015. The application filed for condonation of delay thus is allowed.

Misc. application stands disposed of.

MEMBER(A)

MEMBER(J)

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