

Notes of the
Registry

Orders of the Tribunal

ARMED FORCES TRIBUNAL,
REGIONAL BENCH, GUWAHATI

1.

MA-16/21
(In OA-28/2021)

Ex-Sub WS Wangam Anal

..... **Applicant**
By legal practitioners for
Applicant.
AR Tahbildar

-Versus-

UOI & Others.

..... **Respondents**
By legal practitioner for
Respondents.
P Sharma

CORAM:

HON'BLE MR. JUSTICE SUDHIR MITTAL, MEMBER (J)
HON'BLE AIR MSHL BALAKRISHNAN SURESH, MEMBER (A)

ORDER

12.10.2023

This application has been filed to condone the delay of 6 months 16 days in the filing the Original Application.

Learned counsel for the applicant submits that a 1st Appeal was preferred against the order denying the disability element to the applicant which was dismissed vide order dated 15.09.2020, on the ground that the applicant's injury was not attributable to nor aggravated by military service. A 2nd Appeal was preferred on 11.12.2020, but same has not been decided. The applicant waited for a period of 6 months, but could not approach his counsel immediately thereafter on account of financial constraints. Moreover, Covid Pandemic was raging at that point of time making it impossible for the applicant to travel. In this view of the matter, the delay aforesaid may be condoned.

Learned counsel for the respondents fairly submits that in such matters, Hon'ble Supreme Court has passed a general order condoning the delay and the same would be applicable in the present case also.

In our opinion, if statutory remedy has been availed, but has not been decided for a period of 6 months, the aggrieved person has the liberty to approach this Tribunal after 6 months of the date of submission of the statutory representation/appeal. Thus, the aggrieved person has to wait for a minimum 6 months before approaching this Tribunal. No limitation of 6 months has been imposed.

In this view of the matter, there is no delay in filing the present Original Application.

Accordingly, case is disposed of.

(Air Mshl Balakrishnan Suresh)
MEMBER (A)

(Justice Sudhir Mittal)
MEMBER (J)

Kk/gm