

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

**MA-32/2017
(In OA 38-2017)**

Ex Nk (TS) HS Kom

..... Applicant.

By legal practitioners for
Applicant.

Mrs. Rita Devi
Mr. A.R.Tahbildar

-VERSUS-

Union of India & ors

..... Respondents..

By Legal Practitioner for the
Respondents

Mr. D.C.Chakraborty ,CGSC

PRESENT

HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)

HON'BLE LT GEN C.A.KRISHNAN, MEMBER (A)

23.10.2017

1. This is the application seeking payment of disability pension @50% Broad Banding. The applicant has prayed for condonation of 17 years delay. The learned counsel in support of his contention for condonation of delay has relied upon the judgment of the Apex Court in Shiv Dass Vs.Union of India and others reported in (2007) 9 SCC 274, where the Hon'ble Supreme Court has held that the cause of action in case of payment of pension continues from month to month and in case where there is inordinate delay in filing the writ petition beyond a reasonable period of time the payment will be restricted for a period of 3 years preceding the date of coming to the Court.

2. Having regard to the Judgment of the Hon'ble Apex Court and the and facts of the case, let a notice be

issued in the first instance to the respondents with regard to condonation of delay.

3. Mr. D.C.Chakraborty, learned CGSC accepts notice.

4. Reply to the condonation application be filed within a period of six weeks with an advance copy to the applicant.

4. Rejoinder, if any, within four weeks thereafter.

5. List on 08.01.2018.

MEMBER(A)

MEMBER(J)

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