

Form No. 4
{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL,
REGIONAL BENCH, GUWAHATI

OA -32/2022 with MA-19/22

Ex-Hav Bhubaneswar Gogoi

..... Applicant
AR Tahbildar
Legal practitioner for Applicant

-Versus-

UOI & Others.

..... Respondents
PJ Barman
Legal practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>CORAM</u></p> <p>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member(J) Hon'ble Air Mshl Balakrishnan Suresh, Member (A)</p> <p style="text-align: center;"><u>ORDER</u></p> <p><u>03.04.2023</u></p> <p>Heard Shri A.R. Talbildar, Ld. Counsel for the applicant and Shri P.J. Barman, Ld. Counsel for the respondents.</p> <p><u>M.A. No. 19 of 2022</u></p> <p>This application has been filed for condoning delay of 14 years and 06 days in filing of Original Application for the grant of service pension to the applicant after setting aside the order of dismissal.</p> <p>It is submitted by the Ld. Counsel for the applicant that applicant was enrolled in the Indian Army on 11.08.1977 and dismissed from service on 07.06.2008 being deserter. After being dismissed from service being deserter the applicant went his Home and got busy in some personal work. Further, he was not aware about the forum where he could lodge claim for the redressal of grievance, as such Original Application could not be filed in time.</p> <p>Ld. Counsel for the respondents, on the other hand, has opposed the prayer on the premise that there is long delay of more 14 years which has not been properly and satisfactorily explained, the delay should not be condoned.</p> <p>Upon hearing submissions of Ld. Counsel of both sides and considering that this is a claim for the grant of service pension to the applicant and pensionary benefits cannot be denied on the ground of delay and further cause shown is sufficient, delay in filing the application is condoned. Delay condonation application stands disposed off.</p>

OA No. 32 of 2022

Case needs adjudication.

Admit.

Issue Notice.

Shri P.J. Barman, Advocate has accepted notice on behalf of the respondents, hence service of notice is waived.

Respondents may file Counter Affidavit/Reply within four weeks. Thereafter, applicant will have two weeks time to file Rejoinder Affidavit.

List after six weeks.

(Air Mshl Balakrishnan Suresh)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)