

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

ARMED FORCES TRIBUNAL,
REGIONAL BENCH, GUWAHATI

OA -36/2022 with MA-23/22

Ex-Sep Kheng Thang

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

-Versus-

UOI & Others.

..... Respondents
Deepanjali Bora
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><u>ORDER</u></p> <p><u>03.04.2023</u></p> <p>Heard Shri A.R. Tahbildar, Ld. Counsel for the applicant and Ms. Deepanjali Bora, Ld. Counsel for the respondents.</p> <p>This Original Application has been filed for the grant of disability pension after condoning the delay of 31 years and 10 days in filing the Original Application.</p> <p>It is submitted by the Ld. Counsel for the applicant that applicant was enrolled in the Indian Army on 17.11.1977 And was discharged on 08.11.1987 under Rule 13(3) Item III (iii) of the Army Rules, 1954 being a case of 'Schizophrenia (295)'. It is further submitted that applicant's claim for the grant of disability pension has been wrongly rejected by the respondents on the ground of disabilities being neither attributable to nor aggravated by military service. It is also submitted that disability has arose to the applicant after nine years of service.</p> <p>Ld. Counsel for the respondents has vehemently opposed the prayer on the premise that there is a long delay of more than 31 years and the same has not been properly and satisfactorily explained on day-to-day basis.</p> <p>Upon hearing submissions of Ld. Counsel of both sides and considering that disability claim cannot be denied on the ground of delay. Delay, if any, in filing the Original Application is condoned. Delay condonation application stands disposed off accordingly.</p> <p><u>O.A. No. 36 of 2022</u></p> <p>Case needs adjudication. Admit. Ms. Deepanjali Bora, Advocate has accepted notice on</p>

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)