

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

M.A. 03/2018
(in OA- 05/2018)

Ex Hav Hitesh Chandra Sawargiary

..... **Applicant.**
By legal practitioners for
Applicant.
Mrs Rita Devi,
Mr. AR Tahbildar,

-Versus-

UOI & Others.

..... **Respondents**
By legal practitioners for
Respondents.
Mr CGSC.

PRESENT

PRESENT
HON'BLE DR.(MRS) JUSTICE INDIRA SHAH, MEMBER (J)
HON'BLE LT GEN C.A.KRISHNAN, MEMBER (A)

ORDER

23.02.2018

1. Heard Mr. AR Tahbildar, learned counsel appearing for the applicant and Mr. N.Baruah, learned CGSC appearing for the respondents.
2. The applicant has filed this MA seeking condonation of delay in filing the OA claiming the benefit of broad banding disability element of the pension contending inter-alia that since the claim for disability pension is based on continuing cause of action, which arises every month, the delay needs to be condoned.

3. Having heard the learned counsel for the parties and upon perusal of the averments made in the applicant and also the claim of the applicant made in the OA which is for broad banding of disability element of the pension, we are of the considered opinion that since the claim in the OA is based on a continuing cause of action, which arises every month, the MA needs to be disposed of on merit.

4. MA is accordingly disposed of.

MEMBER (A)

MEMBER (J)

mc

