

O.A. No. 788 of 2023 with M.A. No 937 of 2023

By Legal Practitioner for the Applicant: Shri Vijay Kumar Pandey,
Shri Girish Tiwari, Advocates

Union of India & Others Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>03.11.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Reply against the objection on delay condonation application filed by the applicant is taken on record.</p> <p>2. Learned counsel for the applicant submitted that her husband was enrolled in Army on 23.12.1996. He was treated in Military Hospital for the disability "Disseminated to HIV Positivity with Tuberculosis". He was Invalided out from service on 04.03.2004 after rendering about 07 years and 73 days of service. He died on 03.11.2005. Applicant represented her case for grant of Ex Gratia compensation and also sent reminder vide letter dated 26.06.2023 which has not yet been replied by the respondents. This Original Application has been filed with the prayer to grant ex gratia lump sum compensation.</p>

3. Learned counsel for the respondents has raised preliminary objection on maintainability of the case. He submitted that applicant has not annexed copy of the letters which she wrote to respondents for grant of Ex Gratia compensation. Applicant has only endorsed copy of reminder letter dated 26.06.2023. He submitted that letter dated 26.06.2023 is barred by the limitation as mandated under Section 22 of the Armed Forces Tribunal Act 2007. The letter dated 26.06.2023 is yet to be responded by the respondents but the applicant has filed instant O.A. without waiting for disposal of his alleged reminder letter in the prescribed limitation period of six months, hence the same deserves to be rejected.

4. We have heard, Ld. Counsel of both the parties and perused the documents available on record.

5. In view of discussion made above, we direct the respondents to decide the representation of the applicant dated 26.06.2023 by a reasoned and speaking order in accordance with law, rules and policy within the stipulated period of six months and communicate the decision to the applicant.

6. With the aforesaid directions without entering into the merit of the case, we **dispose of** this Original Application finally.

10. No order as to costs.

11. All pending Misc Applications are also disposed off.

(Vice Admiral Atul Kumar Jain) (Justice Ravindra Nath Kakkar)

Member (A)

Member (J)

UKT/-