

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.1 (E. Court)**

**M.A. No. 162 of 2020 Inre O.A. (Nil) of 2020**

**Smt Jagviri Devi, W/o Late Ex Rfn Rich Pal Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.11.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act 2007 for setting aside the recommendations dated 21.11.1967 of Invaliding Medical Board Proceedings on account of which applicant's husband was discharged from service and for setting aside the letter dated 05.06.1968 by which his claim for disability pension was rejected by the competent authority.</p> <p>The Original Application has been filed with the delay of 53 years, 04 months and 17 days for which delay condonation application has been moved separately.</p> <p>We have heard Shri Fareed Ahmad, Ld. Counsel for the applicant and Shri GS Sikarwar, Ld. Counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative.</p> <p>Briefly stated, applicant's husband, namely, Ex Rfn (Late) Rich Pal Singh was enrolled in Medical Category SHAPE- 1 in the Indian Army on 07.07.1961. He was diagnosed as suffering with the disease 'Anxiety State' in the year 1967 and as such was placed in Medical Category lower than SHAPE-1. He was subjected to Invaliding Medical Board held at Army Hospital, Delhi Cantt on 21.11.1967 on account of disability 'Hysterical Reaction' and based on its recommendations, he was invalided out of service on 26.12.1967.</p>

Regarding delay, submission of learned counsel for the applicant is that the applicant's husband was never provided with documents relating to the Invaliding Medical Board Proceedings nor was ever apprised of the findings of the recommendations of the Medical Board. Further submission is that applicant's husband had represented his cause to the competent authority from time to time but he never got any response and ultimately he died on 09.01.2003. Further submission is that after the death of her husband the applicant, who is an illiterate lady, approached the respondents through Zila Sainik Kalyan Evem Punarvas Karyalay, Bulandshahar, requesting them to provide service documents relating to her husband and, in response thereof, she was provided the same vide letter dated 30.01.2020. Thus, submission of learned counsel for the applicant is that delay in filing Original Application is not deliberate, but on account of reasons stated above.

Per contra, learned counsel for the respondents has vehemently oppose the prayer saying there being an inordinate delay of more than 53 years and the same being not satisfactorily explained, delay is not liable to be condoned.

Upon hearing the submissions of learned counsel for both sides and having gone through facts stated in application, we find that Original Application has been filed with delay of more than 53 years. We also find that applicant's husband was subjected to Invaliding Medical Board at Army Hospital Delhi Cantt on 21.11.1967, as he was suffering with disability 'Hysterical Reaction', and based on the recommendations of the Invaliding Medical Board, his claim for the grant of disability pension was rejected vide letter dated 05.06.1968. We have also noticed that applicant's husband never challenged the discharge order before the competent authority or before the court of law by way of appeal/writ and even applicant never represented her cause for the grant of Special Family Pension for a considerable long period of more than 17 years, after the death of her husband. This suggests that applicant's husband as well as applicant had conceded the decision regarding

denial of disability pension dated 05.06.1968, otherwise they would have certainly represented the matter to the appropriate authority at the earliest, and in case of denial, would have resorted to court of law for redressal of their grievances. There being an inordinate delay of more than 53 years and the same being not properly explained, we do not find any sufficient reason to condone the same.

In the result, delay condonation application is rejected.

The Original Application being time barred is also dismissed.

**(Vice Admiral Abhay Raghunath Karve)**  
Member (A)

**(Justice Umesh Chandra Srivastava)**  
Member (J)

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{See rule 11(1)}  
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**

**Court No.1 (E. Court)**

**O.A. No. 2 of 2020**

**Ex Hav Awdhesh Kumar**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><b><u>02.11.2020</u></b> <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Heard Shri Pankaj Kumar Shukla, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondents assisted by Maj Sini Thomas, Departmental Representative.</p> <p>For order, see our judgment passed on separate sheets.</p> <p>Misc. Application, if any, pending for disposal, shall be treated to have been disposed of.</p> <p style="text-align: center;"><b>(Vice Admiral Abhay Raghunath Karve) Member (A)</b>                      <b>(Justice Umesh Chandra Srivastava) Member (J)</b></p> <p><small>AKD/-</small></p>