



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

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**

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

**M. A. No 168 of 2020 and M.A. No 169 of 2020**

**Union of India & Others**

Applicants

By Legal Practitioner for the Applicants

**Versus**

**Satendra Singh Pal**

Respondent

By Legal Practitioner for Respondent

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>12.10.2020</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 style="text-align: center;">Heard Shri Namit Sharma, learned counsel for the applicants and Shri PK Shukla, learned counsel for the respondent.</p> <p style="text-align: center;">This is an application filed under Section 31 of the Armed Forces Tribunal Act 2007, seeking leave to appeal in the Hon'ble Supreme Court against the order dated 19.01.2018 of this Tribunal passed in O.A. No 145 of 2013.</p> <p style="text-align: center;">Submission of learned counsel for the applicant is that against the final order dated 19.01.2018 of this Tribunal, passed in O.A. No 145 of 2013, respondents had filed a Review Application No. 82 of 2018 which was allowed by this Tribunal on 24.05.2019. Further submission of learned counsel for the applicant is that this Tribunal while passing the order in Review Application modified its order dated 19.01.2018 to the extent that paras 7, 8 and 9 of the Pension Regulations for the Army, Part - I (2008) and para 74 of the Pension Regulations for the Army 1961, Part - II which were declared ultra vires to the constitution shall not be deemed to be ultra vires and shall continue to be part of the Pension Regulations for the Army, Part- I, 2008. His further submission is that the Tribunal, however, failed to withdraw its order regarding monetary benefits granted to the applicant which is contrary to the earlier part of the order. His further submission is that directions regarding monetary benefits contained in order being contrary to the earlier part of the order passed by this Tribunal in Review Application, respondents decided to file an appeal against it in the Hon'ble Supreme Court. His further submission is that long formalities</p>

are required to be completed before filing an appeal, hence leave to appeal could not be sought within 30 days, as provided in Section 31 of the Armed Forces Tribunal Act, 2007. His further submission is that delay caused in filing leave to appeal application is not deliberate, but on account of reasons stated above, therefore, delay be condoned and leave to file appeal be granted. In support, learned counsel for the applicants has placed reliance on the decisions of the Hon'ble Apex Court in the cases of **State of Tamil Nadu vs. Anbai Kingston Philips and Others**, reported in (2015) 15 Supreme Court Cases 208 and **Executive Officer, Antiyur Town Panchayat**, reported in (2015) 3 Supreme Court Cases 569.

Learned counsel for the respondent has vehemently opposed the submissions of learned counsel for the applicants and submitted that no point of law of general public importance is involved in the matter, therefore, leave to appeal application should be dismissed. He further submitted that there is an inordinate delay of 14 months in seeking leave to appeal without any sufficient explanation. He thus submitted that delay caused in leave to appeal is not liable to be condoned.

Upon hearing submissions of learned counsels both sides and having gone through facts of the case, we find that there being no provision in law empowering Tribunal to condone delay in leave to appeal matter, application deserves rejection on this reason only. Further, we are of the considered view that there is inordinate delay in filing leave to appeal application and explanation offered for the delay is not sufficient. Respondents cannot be allowed claiming any amount of time in completing formalities in the name of Government department, more so when per their own case matter involved is of great importance.

In view of above, we do not see any reason to allow delay condonation application which is dismissed accordingly.

Leave to appeal application being time barred is also dismissed.

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

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

