

ARMED FORCES TRIBUNAL REGIONAL BENCH,

LUCKNOW

M.A.No. 225 of 2016

In Re:

Recall/Review Application No. 10 of 2016

Friday, the 22nd day of February, 2016

**By Circulation
Court No. 2**

**“Hon’ble Mr. Justice Abdul Mateen, Member (J)
Hon’ble Lt. Gen. A.M. Verma, Member (A)”**

No. 6938130N Ex Sep Dvr (MT) Gajraj Singh Tomar, Son of Shri
Ranjit Singh, Ex CAD Pulgaon Camp.

..... Applicant

Versus

1. Chief of the Army Staff, New Delhi-110011
2. General Officer Commanding-in-Chief, Southern Command,
Pune.
3. Commandant-cum-Chief Records Officer, Army Ordnance Corps
Centre and Records, Secunderabad.
4. Lt Col US Rathore, Adm Officer, Officer Commanding Troops,
Care Commandant, CAD Pulgaon.
5. Union of India through Secretary, Ministry of Defence, New
Delhi.

.....Respondents.

ORDER

1. Review Application No. 10 of 2016 has been filed alongwith application (M.A.No. 225 of 2016) for condonation of delay in filing the same, which as per office report, is delayed by two months and six days.

2. In pursuance of Rule 18(3) of the Armed Forces Tribunal (Procedure) Rules, 2008, this review application has come up before us for disposal by circulation. Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 provides that no application for review shall be entertained unless it is filed within 30 days from the date of receipt of copy of the order sought to be reviewed. The judgment and order sought to be reviewed is dated 31.10.2015 passed in T.A.No. 1210 of 2010, whereby this Bench had dismissed the petition while giving detailed reasons. Since Rule 18(1) of the Armed Forces Tribunal (Procedure) Rules, 2008 starts with *non obstante* clause that “*no application for review shall be entertained unless it is filed within 30 days from the date of receipt of copy of order sought to be reviewed*”, this review application being beyond time cannot be entertained. The reasons given in the application for condonation of delay (M.A.No. 226 of 2016) too do not seem to be genuine and convincing.

3. That apart, we have also gone through the judgment and order sought to be reviewed. We do not find any justifiable and valid reason as well as any illegality or irregularity on the face of record which may persuade us to review our aforesaid judgment.

4. Accordingly, the application for condonation of delay (M.A.No. 225 of 2016) is rejected vis-à-vis the application for review is also dismissed.

(Lt. Gen A.M. Verma)
Member (A)

(Justice Abdul Mateen)
Member (J)

LN/