

By Circulation  
Court No. 1

**ARMED FORCES TRIBUNAL REGIONAL BENCH, LUCKNOW**

**M.A. No. 247 of 2018**

**Review Application No. 09 of 2018**

**In Re: T.A. No. 290 of 2010**

Wednesday, the 14<sup>th</sup> day of March, 2018

**“Hon’ble Mr. Justice S.V.S. Rathore, Member (J)  
Hon’ble Lt. Gen. Gyan Bhushan, Member (A)”**

Ram Charan Kurmi, S/o Shri Janki Prasad Patel,  
R/o Village – Dihuli, Post – Kamarji, District – Sidhi

....Petitioner

Versus

Union of India & Others

....Respondents

**ORDER**

1. The petitioner has filed this Review Application under Rule 15 of the Armed Forces Tribunal (Procedure) Rules, 2008 alongwith an application for condonation of delay. The matter came up before us by way of Circulation as per provisions of Rule 18 (3) of the Armed Forces Tribunal (Procedure) 2008.

2. By means of this application, the petitioner has prayed that the judgment and order dated 19.04.2012 passed by Hon’ble Tribunal in Transferred Application No. 290 of 2010 (Ram Charan Kurmi Vs Union of India and Others) may kindly be reviewed and respondents be directed to treat the petitioner in service till completion of 22 years of service as applicable to the rank of Naik and pay his retiral dues accordingly.

3. As per stamp reporter’s report, the application is delayed by 05 years, 08 months and 10 days. Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 postulates that no application shall be entertained beyond the period of thirty

days from the date of receipt of copy of the order sought to be reviewed. Review Application No. 09 of 2018 seeks review of the order dated 19.04.2012 passed in T.A. No. 290 of 2010 by the Bench comprising of Mr. Justice B.N. Shukla, Member (J) (since deceased) and Hon'ble Lt Gen B.S. Sisodia, Member (A) (since retired). Admittedly, the Review Application has been filed beyond the period of 30 days; as such it is not entertainable.

4. We have gone through the grounds and reasons indicated in the affidavit filed in support of the application for condonation of delay. In our considered opinion, the grounds urged in support of the application do not appear to be germane; rather they are casual in nature and each day's delay has not been explained. The application for condonation of delay (M.A. No. 247 of 2018), therefore, has no force.

5. We have gone through the order sought to be reviewed and the Review Application, which is time-barred. Even from the grounds taken therein, no illegality or irregularity or error apparent on the face of record has been shown to us so as to review the aforesaid order of this Court. We are of the considered view that there is no error apparent on the face of record in the impugned order dated 19.04.2012, which may be reviewed in exercise of review jurisdiction.

6. Accordingly, the application for condonation of delay (M.A. No. 247 of 2018) as well as Review Application No. 09 of 2018 are hereby rejected.

**(Lt Gen Gyan Bhushan)**  
**Member (A)**

**(Justice S.V.S. Rathore)**  
**Member (J)**

March 2018  
ukt/-