

**Court No.3****ARMED FORCES TRIBUNAL, REGIONAL BENCH,  
LUCKNOW****MISCELLANEOUS APPLICATION NO 1956 of 2015**Tuesday, this the 15<sup>th</sup> day of December 2015**Hon'ble Mr. Justice D.P. Singh, Member (J)**  
**Hon'ble Air Marshal Anil Chopra, Member (A)**

Ex-Rifleman (Sepoy) Ranjeet Singh Thapa (Army No. 5349550A) of ¾ Gorkha Rifles, resident of Village-Murti, P.O.-Khatara (Tejam), Tehsil-Munsiyari, District-Pithoragarh (Uttarakhand).

.....Applicant

Ld. Counsel for the: **Shri P.N. Chaturvedi, Advocate**  
Applicant

Versus

1. Union of India, through the Secretary, Ministry of Defence, South Block, New Delhi-110011.
2. Chief of the Army Staff, Integrated Headquarter of the Ministry of Defence (Army), South Block, New Delhi-110011.
3. Commandant, 14 Gorkha Rifles Regimental Centre, Sabathu. (Himachal Pradesh).
4. Officer-in-Charge, Records, 14 Gorkha Rifles Regimental Centre, Sabathu (Himachal Pradesh).

...Respondents

Ld. Counsel for the : **Dr. Shailendra Sharma Atal,**  
Respondents. **Central Govt Counsel assisted by**  
**Capt Priti Tyagi, OIC, Legal Cell.**

**ORDER (ORAL)**

1. Heard Ld. Counsel for the parties and perused the record.
2. This an application for condonation of delay in preferring the Original Application.
3. The applicant was enrolled in 14 Gorkha Rifles on 15.08.1998. He was suffering from 'DRY GENERALIZED SEIZURES' and was placed in low medical category P-3 (P) with effect from 31.08. 2004. In consequence thereto he was discharged from Army service.
4. The present Original Application has been preferred by the applicant in May 2015 after lapse of almost ten years.
5. The solitary argument advanced by the Ld. Counsel for the applicant is that the applicant was ill and on account of paucity of funds, he could not approach the Tribunal. It is not disputed that the applicant has approached this Tribunal after delay of almost ten years. By no stretch of imagination it can be accepted that the applicant was suffering from disease for such a long period. Where he got treatment for such a long span and what was his financial condition and how he suffered paucity of funds in preferring the Original Application or approaching the appropriate forum has not been explained while preferring the application for condonation of delay. Suddenly, after lapse of about ten years, the applicant has awoken and preferred the Original Application

without disclosing reasonably the delay caused in moving the Original Application in the application for condonation of delay.

6. Even if we adopt a liberal view, no case is made out to condone the inordinate delay. In the absence of non-disclosure of sufficient cause for approaching the Tribunal after such a long period, no ground is made out to condone the unexplained delay.

7. Accordingly, we refrain from condoning the delay. The application for condonation of delay deserves to be rejected, hence rejected.

8. Since the application for condonation of delay in approaching this Tribunal has been rejected, as a consequence, the Original Application also stands rejected.

No order as to costs.

**(Air Marshal Anil Chopra)**  
**Member (A)**  
anb

**(Justice D.P. Singh)**  
**Member (J)**