

**BY CIRCULATION****ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW****Review Application No. 57 of 2022 with  
M.A. No. 650 of 2022****Inre:****T.A. No. 21 of 2014****Ex Hav Prem Shanker Tripathi**

.....Review Applicant

vs.

**Union of India & Ors**

.....Respondents

**Friday, this the 07<sup>th</sup> day of July, 2022****ORDER**

1. This application has been filed with delay of 04 years, 01 month and 10 days for review of order dated 09.05.2016 under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008.

Relevant portion of aforementioned Rule is reproduced as under:

*"18. Application for review. – (1) No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed.*

*(2) -----"*

2. A plain reading of Rule 18 (1) (supra) shows that no application for review shall be entertained after expiry of thirty days from the date of receipt of copy of the order which according to the

office report, the present review application has been filed after expiry of stipulated period.

3. This Tribunal vide order dated 09.05.2016 had allowed the petition with the directions to the respondents to pay benefits of post retiral dues and not back wages treating him as regular Havildar upto the age of superannuation. For convenience sake, operative portion of the aforesaid order is reproduced as under:-

*"12. O.A. is allowed accordingly and the impugned order of movement order dated 05.09.2003 is set aside with consequential benefits of post retiral dues. The petitioner shall be paid post retiral dues treating him as regular Havildar upto the age of superannuation on the rank which he held. In case not already provided, he shall be provided consequential benefits along with arrears of pension till date within three months from the dates of a certified copy of this is presented before the appropriate authority."*

4. Ld. Counsel for the applicant has not invited attention of the Tribunal to any provision of the aforesaid Rules under which the Tribunal is empowered to condone delay in preferring review application.

5. Since the present application for review of the order dated 09.05.2016 has been filed after expiry of thirty days, it is barred by time.

6. Accordingly, the application for condonation of delay as well as application for review are **rejected** being not maintainable.

7. The applicant may be informed accordingly.

**(Vide Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)**  
**Member (A) Member (J)**

Dated: 08.07.2022

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