

**ARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW****Miscellaneous Application No. 927 of 2015**Friday, this the 06th day of November 2015**Hon'ble Mr. Justice D.P. Singh, Member (J)**
Hon'ble Air Marshal Anil Chopra, Member (A)L/Nk Rajesh Singh Tomar (2692330)
Resident of Vill. PO. Akloni, The. Mehgaon,
Distt. Bhind (MP)

.....Applicant

Ld. Counsel for the : **Shri J.S. Bhati, Advocate**
Petitioner

Versus

1. The Union of India Through the Defence Secretary,
Ministry of Defence, New Delhi.
2. The Chief of Army Staff, Army Headquarters, New Delhi.
3. GOC-in-C, Northern Command, C/o 56 APO.
4. The Commanding Officer, No. 8 Gdr, C/o 56 APO

...Respondents

Ld. Counsel for the : **Mrs Deepti Prasad Bajpai, Central**
Respondents. **Govt Counsel assisted by**
Lt Col Subodh Verma, OIC, Legal Cell.

ORDER (ORAL)

1. Heard Ld. Counsel for the parties and perused the record.

2. **M.A. No. 2012 of 2015**

Reply to objection on application for condonation of delay filed by the Ld. Counsel for the applicant is taken on record.

M.A. No. 2012 of 2015 is disposed of accordingly.

3. **M.A. No. 927 of 2015.**

This is an application for condonation of delay in filing the O.A. According to Ld. Counsel for the applicant, the applicant has submitted statutory complaint, but the same has been denied by Ld. Counsel for the respondents. Submission of Ld. Counsel for the applicant is that neither order of discharge nor decision taken thereupon was communicated to the applicant. Ld. Counsel for the applicant further submitted that due to non availability of documents and non awareness about the law, the applicant could not approach the Tribunal in time. Keeping the factual matrix on record, the reasons shown for condonation of delay seem to be sufficient. Delay is **condoned**.

4. Heard Ld. Counsel for the parties. it is a fit case for adjudication.

5. While **admitting** the case, with the consent of Ld. Counsel for the parties, we proceed to dispose of this M.A. at this stage itself.

6. Preliminary objection has been raised by Ld. Counsel for the Respondents that the earlier statutory complaint has not been decided. The applicant should have submitted reminder for disposal of statutory complaint, but the applicant has not done so.

7. Keeping in view the fact and circumstances of the case, which involves mixed question of facts and law, without entering into the merits of the case, we permit the applicant to submit a fresh statutory complaint ventilating all his grievances along with copy of earlier complaint supported by relevant documents within one month from today which shall be decided by the competent authority expeditiously, say within three months from the date of presentation of a certified copy of this order by a reasoned and speaking order and communicate the decision to the applicant.

8. With the aforesaid directions, we disposed of M.A. finally.

No order as to cost.

9. Let a copy of this order provided to Ld. Counsel for the parties within three days.

(Air Marshal Anil Chopra)
Member (A)

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