

FORM NO. – 4

[See Rule 11 (1)]

**IN THE ARMED FORCES TRIBUNAL**  
**REGIONAL BENCH, KOLKATA**  
**ORDER SHEET**

O. A. No. – 149/2018 WITH M. A. No. – 102/2018

**APPLICANT (s)** : **RESPONDENT (s)**  
 EX-SUB PROBIR KUMAR BAIRAGI : UNION OF INDIA & OTHERS

**LEGAL PRACTITIONER FOR APPLICANT (s)** : **LEGAL PRACTITIONER FOR RESPONDENT (s)**

MR. ALOK KUMAR KHAN : MR. AJAY CHAUBEY

**CORAM:**

HON'BLE MR. JUSTICE MOHAMMAD TAHIR, MEMBER (J)  
 HON'BLE VICE ADMIRAL HCS BISHT, MEMBER (A)

Notes of the Registry	<p style="text-align: center;"><b><u>ORDERS OF THE TRIBUNAL</u></b></p> <p>Order Serial No. : _____ Dated : 21<sup>st</sup> July, 2022</p>
<p>"dp"</p>	<p><b><u>Disposal of MA 102/2018</u></b></p> <p>This application has been moved for condonation of delay in filing the OA No 149/2018. As per the applicant, there is a delay of one year, eight months and 15 days in filing the OA. In fact, this delay has been counted from the date of discharge of the applicant from service. But the period of limitation under the Armed Forces Tribunal, Act, 2007, is governed by Section 22 of the AFT Act, 2007. According to the aforesaid Section, in the appeal/representation is not decided within in six months, in that case, the O.A. being filed in the AFT. It is undisputedly proved that the appea//representation of the applicant dated 05.12.2017 has not been decided/considered by the date the O.A. was filed. Therefore, the application for condonation of delay in filing the appeal is allowed and this case is admitted for hearing.</p> <p>Mr, Ajay Chaubey, Govt. Counsel has accepted notice on behalf of the respondents and prays for time to file reply.</p> <p>Reply may be filed within four weeks and rejoinder, if any, may be filed within two weeks thereafter.</p> <p>Matter be listed on the date to be fixed by the Registry.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <p>(VICE ADMIRAL HCS BISHT)</p> <p>MEMBER (ADMINISTRATIVE)</p> </div> <div style="text-align: center;"> <p>(MR. JUSTICE MOHAMMAD TAHIR)</p> <p>MEMBER (JUDICIAL)</p> </div> </div>