

IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

APPLICATION NO. O. A. No. 18/2013

Ex. WO Santosh Kumar Paikray

Union of India & 4 Ors.

Legal Practitioner for Respondent(s)
Mr. Mintu Kumar Goswami

	ORDER OF THE TRIBUNAL	
	Order No. 1	Dated: 29.04.2013
	<p>Mr. Bisikesan Pradhan, Id. advocate appears for the applicant and Mr. Mintu Kumar Goswami, Id. advocate for the respondents is present. Mr. Goswami undertakes to file his Memo of Appearance by the next date.</p> <p>The matter relates to a grievance which has arisen on account of perceived discrimination in getting pension by the applicant. The applicant was promoted to the rank of Warrant Officer on 01.04.2000 and retired in that rank on 30.06.2000 being a non-optee for extension of further service. The applicant, however, prays for his pension to be fixed in the rank of Warrant Officer although he, as per rules, did not hold that rank for 10 months. Under such circumstances, we find the cause of action actually arose on 30.06.2000 whereas the application has been filed on 18.03.2013. We also notice that the applicant represented the matter before the authorities on 16.07.2012 and a response was received by him in the negative on 25.10.2012. We are, however, not satisfied with the cause of delay as has been narrated in the original application and, therefore, the applicant may explain the inordinate delay in filing this application, if so advised, since it attracts the provisions of Section 22 of the AFT Act, 2007. Mr. Pradhan submits that he would file M.A. seeking condonation of delay for which he prays for 4 weeks' time. Let it be granted. Mr. Goswami, on receipt of such M.A., shall file his objection, if any, within 2 weeks thereafter.</p> <p>In view of the above, let the matter appear for admission on 12.06.2013. Affidavits be exchanged in the meantime</p>	
	(LT. GEN. K.P.D.SAMANTA) Member (Administrative)	(JUSTICE RAGHUNATH RAY) Member (Judicial)