

**ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

1.

**REVIEW APPLICATION NO.13 OF 2018
WITH
MISCELLANEOUS APPLICATION NO.291 OF 2018
IN
O.A NO.135 OF 2017
[RB CHENNAI]**

(BY CIRCULATION)

Ex Spr Gurram Satyaraju
Applicant	
VERSUS	
Union of India and Ors.
Respondents	

IN CHAMBERS

**HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)**

**ORDER
23.01.2019**

MA 291/2018

There is a delay of 174 days in filing the review application. Since we are satisfied that a sufficient cause has been shown to condone the delay, the same stands condoned.

MA No.291/2018 stands disposed of accordingly.

RA NO.13/2018 IN OA NO.135/2017

The instant review application has been placed before us through circulation in terms of the Administrative Order dated 18th January, 2019, passed by the Chairperson.

The applicant is seeking review of the order dated 15th September, 2017 passed in OA 135/2017 along with MA 168/2017. The main matter came to be disposed of by Armed Forces Tribunal, RB, Chennai, Circuit Bench at Hyderabad, in which one of us, Virender Singh, J. was the Bench partner and brother K. Surendera Nath, was the Member (A).

There was a delay of 15869 days in filing the OA, condonation thereof was sought through the medium of MA 168/2017. Virtually there was a delay of about 44 years. We, while entering into detailed discussion, did not find it to be a case for condoning the huge delay, therefore miscellaneous application seeking condonation of delay was dismissed. The observation in this regard is in para 4 of the order under review which reads:

“What reveals from the documents annexed with the instant application is that the applicant has just once approached the doctor in August 2016 when he was diagnosed “Generalised Tonic Chronic Seizures”. The ground on the strength of this outpatient ticket now delved by the applicant, as it appears from the averments made in the application, that the applicant somewhere in the year 1971 had fallen from a bridge and developed this problem, for which he has not attached any documents in respect of his claim. The ground of discharge undoubtedly is on “medically unfit for further service”. What was the reason for declaring him “medically unfit for further service” and discharging him within two years of his joining the services was actually the seizure attack or some other ailments which in any case cannot be verified after the lapse of 44 years and that is the reason that while rejecting the request of the applicant for disability pension, the concerned authority has categorically mentioned that he being a non-pensioner his sheet roll and service/medical documents have already been destroyed. Viewed thus, there appears to be no reason much less

valid reason for condoning the delay of 15869 days as asked for in MA. Therefore, the said application thus merits dismissal outright. M.A. is dismissed."

We, however, for our satisfaction had examined the case of the applicant on merits also and without entering into the details found it to be a weak case on merits as well, therefore the main OA was dismissed on both the counts.

We have now gone through the grounds carved out in the instant review application and are of the considered view that there is no illegality or for that matter even any irregularity apparent on the record crept in the judgment so as to review our order dated 15th September, 2017. The instant review application thus merits dismissal in circulation only, as we do not find even the necessity of putting both the sides to notice to have further assistance in the matter.

Ordered accordingly.

**(VIRENDER SINGH)
CHAIRPERSON**

**(PHILIP CAMPOSE)
MEMBER (A)**

23.01.2019/vks