HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Civil Writ Petition No. 9969/2024

1. The Union Of India, Through Its Secretary To The Government Of India, Ministry Of Defence, New Delhi-110011.
2. The Principal Controller Of Defence Accounts (Pension), Draupadhi Ghat, Allahabad (Up) - 211014.
3. Records The Rajput Regiment, Pin - 900 427, C/o 56 Apo.

----Petitioners

Versus

No 2954247 Reservist Kishan Singh S/o Late Bher Singh, Aged About 75 Years, By Cate Rajput, Resident Of Vill Devalia, Po-Banar, Tehsil And Dist - Jodhpur (Raj) - 342027

----Respondent

For Petitioner(s)	:	Mr. Uttam Singh Rajpurohit for Mr. Mukesh Rajpurohit, Dy. S.G.
For Respondent(s)	:	---

HON'BLE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

Order

12/07/2024

This is a case where the learned Tribunal has condoned the delay in filing the original application taking into consideration that the respondent is a pensioner. The exercise of discretion to condone delay does not suffer from any error of jurisdiction.

In view of the decision of Hon’ble Supreme Court in case of **L. Chandra Kumar Vs. Union of India [(1997) 3 SCC 261]**, it is well settled that petitions against the order of Tribunal are in the nature of petitions under Article 227 of the Constitution of India without there being any jurisdictional error, this petition, challenging the orders by which the delay was condoned by the

Tribunal so as to ensure decision on merits in the case of pensioner, is without any merit.

The petition is, therefore, dismissed.

(SHREE CHANDRASHEKHAR),J (MANINDRA MOHAN SHRIVASTAVA),CJ

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