

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.1 (E. Court)

Ex. A. No 54 of 2019 Inre T.A. No 623 of 2010

Smt Shalini Mishra, W/o (Late) Sep Ajay Kumar mishra Applicant
By Legal Practitioner for the Applicant

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>25.01.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri R Chandra, learned counsel for the applicant and Shri Anurag Mishra, learned counsel for the respondent Nos 1 to 4 and Shri Ashutosh Kumar Srivastava, learned counsel for respondent No 5.</p> <p>This execution application has been filed by the applicant under Section 29 of the AFT Act, 2007 for execution of order of this Tribunal dated 21.07.2016 passed in T.A. No 623 of 2010. By means of this application applicant has prayed for payment of interest @ 10% per annum from 01.01.2006 on amount paid i.e. Rs. 5,02,500/- to the applicant.</p> <p>While allowing the T.A. respondents were directed to pay interest at the rate of 10% with effect from 1 Jan 2006.</p> <p>Learned counsel for respondent No 1 to 4 has filed affidavit of compliance showing that a sum of Rs. 5,02,500/- on account of regular insurance benefits under AGI scheme has been paid to the applicant vide AGI Fund, AGI Bhawan IHQ of MoD (Army letter dated 05.01.2017).</p> <p>He further submitted that 10% interest on the above amount from 01.01.2006 has not been paid to the applicant by AGI, New Delhi. He invited our attention towards Para 4 of letter dated 13.08.2019 issued by AGI Fund, AGI Bhawan, New Delhi which states that while filing the Original Application, applicant has not made a party to AGI, New Delhi. In the said letter AGI, New Delhi has also mentioned that AGIF pays interest on insurance case @ 6%</p> |

simple interest for delay beyond 180 days subject to maximum ceiling of 18 months from the date of death of the member.

This contention of AGI Fund, New Delhi is not acceptable after paying the amount of insurance i.e. Rs. 5,02,500/- without AGI, New Delhi being a party in the Transferred Application. The other contention that they pay interest @ 6% per annum is also not acceptable more so when they have to comply with the order.

AGI Fund, AGI Bhawan, New Delhi is directed to comply the order of this Tribunal dated 21.07.2016 and pay the interest @ 10% per annum from 01.01.2006 within four weeks from today and file compliance report.

List on **25.03.2021** for order.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

UKT/-