

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

O.A. No. 219 of 2014

Chandrabhan Singh & another
By Legal Practitioner for the Applicants

Applicants

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>12.01.2022</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 Pankaj Singh Chauhan, Ld. Counsel for the applicants and Shri Namit Sharma, Ld. Counsel for the respondent Nos. 1 to 4 and Shri R Chandra, learned counsel for respondent No. 5.</p> <p>This Original Application has been filed by the applicants with prayer to provide full special family pension alongwith medical facilities as well as other facilities to the applicants.</p> <p>Learned counsel for the applicants submitted that applicants were fully dependent upon their son (Late Ashutosh Singh) and after his death, Smt. Sonika Singh, widow of deceased soldier had remarried and living with other person leaving the applicants in helpless situation.</p> <p>Since, Applicant No. 1 (Chandrabhan Singh), father of deceased soldier has died during pendency of application and now application is being pressed by the applicant No. 2 who is the mother of deceased soldier, therefore, respondents be directed to provide full Special Family Pension to Applicant No. 2 (mother of the deceased soldier).</p> <p>Learned counsel for the respondents submitted that on the basis of representation dated 09.11.2012 submitted by the applicants, an investigation of the case was done by Army Recruiting Office, Amethi, Distt – Sultanpur (UP) and division of Special Family Pension between widow and mother of the deceased soldier was recommended as per existing rules/policy vide letter dated 14.03.2013. BEG Records, Roorkee on the basis of recommendation of Army Recruiting Office, Amethi forwarded necessary documents to Smt. Prabhawati Singh (Mother of Late Ashutosh Singh) for initiation of claim for division of SFP between widow and mother vide letter dated 08.04.2013. However, Smt. Prabhawati Singh did not submit the required documents to BEG Records but filed a case before this Tribunal which was dismissed being devoid of merit and also not maintainable.</p> <p>The prayer to grant 100% Special Family Pension to applicant No. 2</p>

cannot be conceded as widow of a deceased soldier is entitled to receive Special Family Pension even after remarriage.

The respondents have not denied the claim of the applicant No. 2 rather they have asked her to submit certain documents from her to process her case for division of Special Family Pension. However, instead of submitting the required documents, applicant No. 2 has filed the present application.

In view of above, we feel it proper to direct Smt. Prabhawati Singh (Applicant No. 2) to furnish all required documents to BEG Records which were asked earlier by BEG Records within 30 days from today for processing of her claim for division of Special Family Pension between widow and herself.

The respondents are directed to decide the claim for division of Special Family Pension between widow and Applicant No. 2 (mother of the deceased soldier) in accordance with rules preferably within a period of four months from the date of receipt of required documents from Applicant No. 2 (Mother of the deceased soldier) and communicate the decision to the Applicant No. 2 accordingly.

With the aforesaid direction, the Original Application is **disposed of** finally.

Pending Misc. Application(s), if any, shall be treated to have been disposed off.

Let a copy of this order be provided to learned counsel for the parties within 48 hours, free of cost for compliance.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

SB

