

**ARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW**

Original Application No. 579 of 2020

Wednesday, this the 25th day of August, 2021

Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)

Smt. Nafiro Nisa widow of No 6450733 Late Sepoy Rasul, R/O
1911 Karoudia Civil Lines, Sultanpur City, Sultanpur, State-Uttar
Pradesh, Pin-228001.

.... Applicant

Ld. Counsel for the: **Shri R Chandra**, Advocate.
Applicant

Versus

1. Union of India, through the Secretary, Ministry of Defence,
Government of India, New Delhi-11.
2. Chief of the Army Staff, Integrated Headquarters of Ministry
of Defence (Army), DHQ Post Office-New Delhi-11.
3. Officer-in-Charge, ASC Records (AT), Pin-900439, C/O 56
APO.
4. The Officer-in-Charge, Defence Security Corps Records,
Pin-901277, C/O 56 APO.
5. The Chief Controller Defence Accounts, Draupadi Ghat,
Allahabad (UP).

... Respondents

Ld. Counsel for the: **Dr. Shailendra Sharma Atal**, Advocate
Respondents. Senior Central Govt Counsel.

ORDER

1. Brief facts of the case are that No 6450733N Ex Sep Rasul was initially enrolled in the Army Service Corps (ASC) on 21.11.1962 and discharged from service w.e.f. 31.05.1979 (AN). He was granted service pension vide PPO No. S/043472/1979. He was again enrolled in Defence Security Corps (DSC) on 28.06.1983 from where he retired from service on superannuation and granted service pension vide PPO No. S/006657/2000. He was drawing two pensions and died on 16.06.2018. After his death, applicant was not granted family pension in absence of certain papers which have been submitted to competent authority for grant of family pension. In this connection Zila Sainik Karyalaya, Sultanpur has also forwarded a reminder on 08.02.2021 for early processing of the case.

2. Learned counsel for the applicant submitted that, husband of applicant was in receipt of dual service pension and the ex-soldier died on 16.06.2018. After his death applicant was not granted family pension as Part II Order in respect of applicant was not notified. His further submission is that since all related papers for publication of Part II Order have been forwarded to the respondents, applicant be granted family pension at the earliest as she is having no other source of livelihood except family pension.

3. Per contra, learned counsel for the respondents while filing counter affidavit has admitted that applicant is entitled to receive family pension. He also admitted that requisite papers have been

received by the respondents for processing claim with regard to grant of family pension.

4. We have heard learned counsel for the parties and perused material placed on record.

5. It is not disputed that No. 6450733N Ex Sep Rasul (now late) was in receipt of dual service pension. It is also not in dispute that applicant is widow of the deceased soldier and she is entitled to receive family pension w.e.f. 17.06.2018 after her husband's death on 16.06.2018.

6. During course of hearing it was confirmed by OIC Legal Cell that Part II Order required for issue of family pension has already been published on 22.07.2021 and pension in respect of applicant would start shortly.

7. In view of the above and the fact that respondents have conceded that applicant is entitled to family pension, O.A. is **allowed**. Respondents are directed to issue PPO related to family pension of applicant and pay her entitled dues w.e.f. 17.06.2018 alongwith arrears within a period of two months from today. Default will invite interest @ 8% p.a.

8. No order as to costs.

9. Pending applications, if any, are disposed of.

(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
Member (A) Member (J)

Dated: 25th August, 2021
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