

**Court No. 1 (E Court)**

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

**ORIGINAL APPLICATION No. 673 of 2020**

Friday, this the 13<sup>th</sup> day of August, 2021

**“Hon’ble Mr. Justice Umesh Chandra Srivastava (J)  
Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)”**

Smt. Pinkey Devi, W/o No 13985104X Late Sepoy/Dvr Raj Kumar Singh, R/o Seema City, Near Shaheed Path, Raibareilly Road, Lucknow (U.P.)

..... Applicant

Counsel for the Applicant : **Shri KK Misra, Advocate**

Versus

1. Union of India through its Secretary, Ministry of Defence, New Delhi.
2. Chief of Army Staff, Army HQ, New Delhi.
3. Officer-in-Charge, AMC Records, Lucknow.
4. PCDA (P) (Army) Draupadi Ghat, Allahabad (U.P.)- 211014.

.....Respondents

Counsel for the Respondents : **Shri DK Pandey,  
Central Govt. Counsel**

## ORDER

1. The instant Original Application has been filed by the applicant under Section 14 of the Armed Forces Tribunal Act, 2007 with the following prayers:

- “(i) To direct the respondents to grant Ex Gratia grant of Rs. 20 Lacs to the applicant as per the Government policy on the subject.*
- (ii) To direct the respondents No 3 to issue entitlement card for education concession to the children of the decease (BC) as per the policy on the subject.*
- (iii) To direct respondents No 3 to recommend and get Ex Gratia grant by UP State Govt to the applicant as per the policy on the subject.*
- (iv) Any other relief which Hon’ble Court may think just and proper may be granted in favour of the applicant.*

2. Facts giving rise to Original Application in brief are that husband of applicant was enrolled in the Army on 22.10.1992. After completion of training, he was posted to various units. In the year 2002, husband of the applicant was posted to 405 Field Ambulance in 5 Mountain Division. On 04 Aug 2002, husband of the applicant was detailed to drive his vehicle, in hills there was a land slide and vehicle of applicant’s husband went in a river and husband of the applicant washed away and died. The death was declared as attributable to military service. Claim of the husband of applicant for grant of Battle Casualty was rejected. Applicant filed O.A. No 48 of 2016 which was allowed by this Tribunal vide order dated 05.03.2018 and death of the applicant’s husband was declared as Battle Casualty. PPO was issued and applicant was granted arrears and liberalized pension. Other benefits were not granted to her.

Being aggrieved, the applicant has filed this Original Application for grant of grant of other benefits.

3. Learned counsel for the applicant submitted that Hon'ble Tribunal allowed the case of the applicant and granted Battle Casualty status but respondents have granted only arrears and liberalized family pension. He submitted that as per rule applicant is entitled Ex Gratia and other benefit.

4. Per Contra, learned counsel for the respondents submitted that death of the husband of the applicant was found attributable to military service and was considered as a case of Battle Casualty. As per entitlement, applicant was granted Special family pension @ Rs. 2,550/- per month w.e.f. 05.08.2002 till life time vide PPO No F/158/2003 dated 03.04.2003. Applicant has also been granted Rs. 5,00,000/- as ex gratia compensation vide Corrigendum PPO No F/EXG/34/2003. In compliance of order of this Tribunal dated 05.03.2018, PPO NO FBC000542018 has been issued for grant of liberalized family pension w.e.f. 04.08.2002. He also submitted that entitlement card for education concession has already been issued to children of the applicant. Learned counsel for the respondents submitted that all dues as per entitlement have been paid to the applicant and nothing is pending to her.

5. We have heard learned counsel for the parties and have also perused the record.

6. The applicant has claimed Ex Gratia of Rs. 20 lakhs in terms of Govt of India, Min of Defence letter No. 20(5)/2009/D (Pen)/Services) dated 04 June 2010. In the instant case, applicant is not covered under this policy letter. Case of the applicant is covered under Para 1 (a) of Govt of India, Ministry of Defence (Pay/Services) letter No 20(1)/98/D (Pay/Services) dated 22 Sep 1998 which states that the families of Defence Service Personnel who die due to accidents in the course of performance of duties shall be paid an ex gratia lump sum compensation of Rs. 5.00 lakhs. The applicant has already been paid applicable amount i.e. Rs. 5.00 lakhs towards ex gratia compensation.

7. After having heard the submissions of learned counsel of both sides and perusal of record, we find that as per policy, all the dues have been paid to the applicant and nothing is due as per existing rules. Learned counsel for the applicant also consented that amount due to the applicant in terms of policy has been paid.

8. In the result, we hold that applicant has been granted all her dues and nothing is pending and order of the Tribunal has been fully complied with. Resultantly, O.A. is **dismissed**.

9. No order as to cost.

10. Pending applications, if any, are disposed off.

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

Dated: 13 August, 2021

Ukt