

**Court No.3**  
**ARMED FORCES TRIBUNAL (CIRCUIT BENCH,**  
**JABALPUR)**  
**REGIONAL BENCH, LUCKNOW**

**Miscellaneous Application No. 1429 of 2015**

Monday, this the 11<sup>th</sup> day of January 2016

**Hon'ble Mr. Justice D.P. Singh, Member (J)**

**Hon'ble Air Marshal Anil Chopra, Member (A)**

Smt. Uma Rani Chatterjee W/o Late Manik Chattopadhyaya  
Ex. Havaldar/Record Clerk No. 6631107, Housewife,  
R/o : Block No. 77, Plot No. 6, Nehru Nagar (East) Bhilai,  
District. Durg Pin : 490020 (CG).

...Applicant

Ld. Counsel for the : **Shri B. P. Rao, Advocate**  
Applicant (Not present)

Versus

1. Union of India Through : The Secretary, Ministry of Defence, Raksha Mantralaya, New Delhi-110001.
2. The Commandant, ASC Records (South) Bangalore-560007 (Karnataka State).
3. The Assistant Record Officer, ASC Records (South) PIN-900493, C/o 56 APO.
4. District Sainik Welfare Office, Sainik Rest House, Opposite to Circuit House, Near BSNL Towers, Raipur Naka, DURG-491001 (CG).

... Respondents

Ld. Counsel for the : **Shri Rohit Jain, Central**  
Respondents. **Govt Counsel assisted by**  
**Capt Manisha Yadav, OIC,**  
**Legal Cell.**

An

*only*

ORDER (Oral)

1. List has been revised. None appeared for the applicant.
2. Ld. Counsel for the respondents submitted that the controversy may be looked by the respondents with regard to the family pension after going through the records and compliance of necessary formalities, applicant Smt Umarani Chatterjee has approached the Tribunal for grant of family pension on account of demise of her husband who was Havildar/Record Clerk in the Indian Army. It has been stated that her husband died on 01.12.1992 and till his death he was getting disability and other pensionary benefits.
3. Keeping in view the factual controversy involved we are of the view that liberty be given to the applicant to represent her case to the appropriate authority who shall look into the matter and take the decision with regard to payment of family pension in accordance with rules. It is clarified that we have not entered into the merits of the controversy nor genuineness of the pension claimed by the applicant. It is for the respondents to look into the matter and take a decision with regard to family pension after death of Army Personal.
4. Needless to say that family pension should be paid as early as possible after death of army personal since any delay may adversely affect the family of the army personal.

Am



5. In case appropriate action is not taken the Tribunal would be left with no option but to award cost and direct payment of family pension to the widow of the deceased with interest.

6. Subject to the above aforesaid observation we <sup>permit</sup> ~~direct~~ the applicant to represent her case before the competent authority within two months from today alongwith certified copy of this order who shall look into the matter and pass appropriate order with regard to payment of family pension in accordance with the rules within next four months with due communication to the applicant.

7. With the above directions we dispose of the M.A. finally.

No orders as to costs.



(Air Marshal Anil Chopra)  
Member (A)

amb



(Justice D.P. Singh)  
Member (J)