

Court No.2
RESERVED

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Original Application No. 917 of 2022

Monday, this the 20th day of November, 2023

Hon'ble Mr. Justice Anil Kumar, Member (J)

Hon'ble Lt Gen Anil Puri, Member (A)

Shalini Toppo,
Widow of No. 13671856 Ex Nk Late Ram Jivan Ram
C/o Shri Shailesh Kumar
Om Nagar, Near Bhailawa Colony Alambagh,
Lucknow-05 (UP)

..... Applicant

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

Versus

1. Union of India through Secretary, Ministry of Defence, Government of India, New Delhi-110011.
2. Chief of the Army Staff, Integrated HQ of Ministry of Defence (Army), DHQ Post Office, New Delhi – 110011.
3. The Officer-in-Charge, Records, Brigade of the Guards, PIN -900746, C/o 56 APO.
4. PCDA (P) Draupadi Ghat, Allahabad – 14 (UP).
5. The Branch Manager, CPPC Central Bank of India, 2nd Floor, M.M.O. Building, M.G. Road Fort Mumbai (Maharashtra).
6. The Branch Manager, Central Bank of India, Post – Sitapur, District : Sarguja (Chhattisgarh) – 497111.

..... Respondents

Ld. Counsel for the Respondents : **Shri Alok Kumar Mishra**,
No. 1 to 4 Central Govt. Counsel

Ld. Counsel for the Respondents: **Shri Arvind Kumar Srivastava**,
No. 5 & 6 Advocate

ORDER

1. The instant Original Application has been filed on behalf of the applicant under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs:-

“(I) The Hon’ble Tribunal may be pleased to direct the respondents No. 4,5 and 6 to revise Special Family Pension of the applicant w.e.f. 01/01/1996 to date as per Circulars issued by CDA and policy issued by Govt. of India alongwith its arrears and interest thereon at the rate of 18% per annum.

(II) The Hon’ble Tribunal may be pleased to direct the respondent No. 3 to submit LPC-Cum-Data to change the name of applicant as SHALINI TOPPO instead of SHALINI LAKARA and date of birth 08/06/1960 be mentioned in the PPO. Further respondent No. 3 be directed to return supporting original documents sent by applicant on 25/06/2022 so that the same documents can be submitted through Soldier Board, Lucknow or set of photocopy of supported document be accepted.

(III) The Hon’ble tribunal may be pleased to direct the respondent No. 3 to issue Corrigendum PPO duly changed the name of applicant and date of birth be mentioned in PPO.

(IV) Any other appropriate order or direction which this Hon’ble Tribunal may deem just and proper in the nature and circumstances of the case including cost of the litigation.”

2. The factual matrix of the case is that husband of applicant was enrolled in the Army on 23.08.1974 and died on 11.11.1987

while on military duty after rendering 13 years, 02 months and 18 days of service. Special Family Pension was granted to the applicant w.e.f. 11.11.1987 vide PPO No. F/1099/1988. The applicant is receiving pension through Central Bank of India, Branch-Sitapur, District-Sarguja (Chhattisgarh). On 19.12.2021, applicant submitted a representation/complaint to respondent No. 5 & 6 for revision of her Special Family Pension w.e.f. 01.01.1996 but the same has not been revised by the respondent No. 5. The applicant also represented her case on 25.06.2022 to respondent No. 3, 4, 5 & 6 for changing her title from Lakara to Toppo as per her husband's title but she is getting pension on the name of 'Shalini Lakara' and not as 'Shalini Toppo'. Being aggrieved, the applicant has filed the present Original Application praying for issuance of fresh PPO showing her name as 'Shalini Toppo' and mentioning therein date of birth '08.06.1960' and grant of arrears on revision of Special Family Pension from 01.01.1996 onwards as per Circulars issued by the PCDA (P) Allahabad from time to time.

3. Learned counsel for the applicant submitted that husband of the applicant was enrolled in the Army on 23.08.1974 and died on 11.11.1987 while on military duty after rendering 13 years, 02 months and 18 days of service. Special Family Pension was granted to the applicant w.e.f. 11.11.1987 vide PPO No. F/1099/1988. The applicant is receiving pension through Central Bank of India, Branch-Sitapur, District-Sarguja (Chhattisgarh). On

19.12.2021, applicant submitted a complaint to respondent No. 5 & 6 for revision of her Special Family Pension w.e.f. 01.01.1996 but the same has not been revised by the respondent No. 5. On 25.06.2022, applicant represented her case to respondent No. 3, 4, 5 & 6 for change of her title in the name from Lakara to Toppo as per her husband's title but she is getting pension on the name of 'Shalini Lakara' and not as 'Shalini Toppo'.

4. Learned counsel for the applicant further submitted that on 26.07.2022, a reply received from respondent No. 3 stating therein that documents received from applicant have been returned back to her vide their letter dated 19.07.2022, though no documents have been received back from the respondents. On 12.10.2022, applicant again sent a letter to respondent No. 3 that supporting documents sent to respondent No. 3 in original have not been received back, hence, Record Office to send LPC-Cum-Data sheet to PCDA (P) Allahabad to amend the name of the applicant in PPO. He pleaded that fresh PPO amending the title of the applicant from 'Shalini Lakara' to 'Shalini Toppo' and mentioning therein date of birth of the applicant '08.06.1960', be issued and applicant's Special Family Pension be revised from 01.01.1996 as per Circulars issued by the PCDA (P) Allahabad from time to time on the subject and arrears incurred on revision of Special Family Pension be credited in bank account of the applicant of Central Bank of India, Branch-Sitapur alongwith 8 percent interest on

delayed payment of arrears in view of PCDA (P), Allahabad Circular No. 165 dated 22.02.2013.

5. Learned Counsel for the respondents – Union of India & Others submitted that the husband of applicant was enrolled in the Army on 23.08.1974 and died on 11.11.1987 at Army Hospital, Delhi Cantt due to Head Injury. The applicant being NOK, case for grant of family pension was processed and applicant was sanctioned Special Family Pension vide PPO No. FHCC 1988 dated 24.06.1988. Special Family Pension of the applicant has been revised from time to time vide PCDA (P) Allahabad Corrigendum PPO No. S/Corr/6th CPC/405852/2014 dated 11.11.2014 and PPO No. 197198800422 dated 12.08.2020.

6. Learned Counsel for the respondents further submitted that vide PPO No. 197198800422 dated 12.08.2020, PCDA (P) Allahabad erroneously generated Ordinary Family Pension in place of Special Family Pension, hence, applicant served a legal notice dated 22.12.2021 for revision of Special Family Pension. In this regard, Records, The Brigade of Guards, approached CPPC of the applicant to revise her pension and grant her entire due amount vide letter dated 31.01.2022. However, PCDA (P), Allahabad issued PPO No. 197198800422 dated 25.01.2022 granting Special Family Pension to the applicant. Meanwhile, the applicant filed a petition dated 25.06.2022 for change of her name and endorsement of date of birth in the PPO. However, Records,

Brigade of the Guards vide letter dated 19.07.2022 returned the documents to the applicant with direction to forward requisite documents required for publication of change of name. The applicant again filed a petition dated 08.08.2022 through CPGRAM portal to return her original supporting documents for change of name and date of birth which was replied vide Records letter dated 24.08.2022. The name of the applicant was changed from Salini Lakara to Shalini Toppo vide Records Part II Order No. 1/1249/0011/2022 which was intimated to Zila Sainik Kalyan Evam Punarvas Office, Kaiserbagh (UP) and to the applicant vide Records letter dated 01.01.2022. For endorsement of date of birth in PPO, case of the applicant has been processed through PAO (OR) Brigade of The Guards vide Records letter dated 25.11.2022. Hence, grievances of the applicant have been resolved and nothing remains to be executed on the part of respondents.

7. Learned Counsel for the respondents further submitted that now the applicant has filed the present Original Application to revise her Special Family Pension w.e.f. 01.01.1996 and change of her name from 'SHALINI LAKARA' to 'SHALINI TOPPO' and her date of birth, '08.06.1960' be mentioned in the PPO. Since, action to change name of the applicant and to mention date of birth in the PPO has already been done by the respondents – Union of India & Others and payment of arrears on revision of Special Family Pension is liability of the PDA of the applicant, i.e.

Central Bank of India, Sitapur Branch, this Original Application is liable to be dismissed.

8. During the course of hearing, Shri Arvind Kumar Srivastava, learned counsel for the respondents No. 5 & 6 (Bank) submitted that Special Family Pension of the applicant has been revised as per Circulars issued by PCDA (P) Allahabad from time to time and arrears has been credited in bank account of the applicant held in Central Bank of India, Sitapur Branch, District – Sarguja (Chhattisgarh). However, he conceded that it will be rechecked and due amount of arrears from the date of its applicability will be calculated/credited in bank account of the applicant.

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

10. Having heard submissions of both the parties and perusing the material available on record, we find that :-

(a) Name of the applicant has already been changed from Shalini Lakara to Shalini Toppo vide Records Part II Order No. 1/1249/0011/2022 which has been intimated to the applicant vide Records, Brigade of The Guards letter dated 01.01.2022.

(b) For endorsement of date of birth of the applicant, '08.06.1960' in Corrigendum PPO, case has already been processed through PAO (OR) Brigade of The Guards vide Record Office letter dated 25.11.2022.

(c) Arrears on revision of Special Family Pension of the applicant from 01.01.1996 onwards as per recommendations of 5th, 6th & 7th CPC have not been paid to the applicant.

11. In view of aforesaid, Original Application is **allowed**. The respondents are directed to issue Corrigendum PPO to the applicant showing name of the applicant, 'SHALINI TOPPO' and date of birth 08.06.1960, if not already issued. The respondents are further directed to calculate arrears incurred on revision of Special Family Pension w.e.f. 01.01.1996 onwards as per recommendations of 5th, 6th & 7th CPCs and pay the arrears to the applicant within a period of four months from the date of receipt of certified copy of this order. In case the respondents fail to give effect to this order within the stipulated period, the amount accrued to the applicant would start earning interest at the rate of 8% from due date till the date of actual payment.

12. No order as to costs.

13. Pending Misc. Application(s), if any, shall stand disposed off.

(Lt Gen Anil Puri)
Member (A)

Dated: November, 2023
SB

(Justice Anil Kumar)
Member (J)