

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

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

**ORIGINAL APPLICATION No. 698 of 2020**

Friday, this the 03<sup>rd</sup> day of September, 2021

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

Maheshwar Singh, Legal Heir of 2945782 Sep Rajendra Singh of Rajput Regiment (Killed in Action during Indo- China War 1962), R/o Village – Mighaul, PO- Asrafpur, Distt- Shahjahanpur (U.P.)

..... Applicant

Counsel for the Applicant : **Shri RN Tripathi, Advocate**

Versus

1. Union of India through its Secretary, Ministry of Defence, South Block, New Delhi.
2. Officer-in-Charge Record Office, The Rajput Regiment, Fatehgarh (U.P.).
3. PCDA (P) (Army) Draupadi Ghat, Allahabad (U.P.)- 211014.
4. The Manager, Bank of Baroda, Allahganj Branch, Distt- Shahjahanpur (U.P.)
5. The chief Manager Bank of Baroda (CPPC), 13<sup>th</sup> Floor, Bank of Baroda Building, 16, Sansad Marg, New Delhi – 110001.

.....Respondents

Counsel for the Respondents : **Shri Arun Kumar Sahu,  
Central Govt. Counsel**

## ORDER

**“Per Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)”**

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:

- “(a) *An order or direction commanding the respondents to pay the liberalised family pension since 01.01.1996 till the date of death of Smt Bimla Devi (19.05.2017) who was the widow of Late Sep Rajendra Singh and mother of the applicant with the 12% interest.*
- “(b) *To issue the notice to the OP No 4 and 5 for their inaction and non payment of the liberalised family pension despite the letter of request for the same by the OP No. 2.*
- “(c) *To allow the O.A. with the costs.*
- “(d) *Any other or further order or direction which this Hon’ble Court may deem just, fit and proper in the circumstances of the case.*

2. Facts giving rise to Original Application in brief are that Sep Rajinder Singh was enrolled in the Indian Army on 05.01.1957. He was married with Smt Bimla Devi. On 21.10.1962 Sep Rajendra Singh was killed in action during Indo-China war. On 13.10.1982 Special Family Pension was granted to the widow of Sep Rajendra Singh, Smt Bimla Devi (Mother of the applicant) vide PPO dated 13.10.1982. Smt Bimla Devi wrote a letter to OIC Records, The Rajput Regiment, Fatehgarh for grant of liberalized family pension since her husband late Sep Rajendra Singh was killed in action on

21.10.1962. Smt Bimla Devi died on 10.09.2017. Being aggrieved for not granting liberalized family pension, the applicant Shri Maheshwar Singh son of late Sep Rajendra Singh has filed this Original Application.

3. Learned counsel for the applicant submitted that Late Sep Rajendra Singh was killed in Indo- China war on 21.10.1962. After death of deceased soldier his wife Smt Bimla Devi was granted Special Family Pension. Smt Bimla Devi wrote letter to Record Office, Fatehgarh for grant of liberalized family pension. She was asked to dispatch necessary documents. After submission of documents by Smt Bimla Devi, Record Office, Fatehgarh informed concerned bank to grant liberalized family pension to Smt Bimla Devi but the bank did not took any action. On 19.05.2017, Smt Bimla Devi lodged a complaint to Banking Lokpal, RBI, Kanpur for granting her liberalized family pension since she was getting simple family pension. PCDA (Pension) Allahabad wrote letter to the Chief Manager, Bank of Baroda (CPPC) New Delhi to grant liberalized family pension to Smt Bimla Devi, widow of deceased soldier. Smt Bimla Devi died on 10.09.2017 and her case was closed by the respondents. Now Shri Maheshwar Singh son of Smt Bimla Devi has filed this Original Application for grant of liberalized family pension to his mother from 01.01.1996 to till the date of death of

Smt Bimla Devi. Learned counsel for the applicant prayed that direction be issued to respondents to grant liberalized family pension to his mother Smt Bimla Devi.

4. Per Contra, learned counsel for the respondents submitted that Late Sep Rajendra Singh was killed in Indo- Pak War on 21.10.1962. Service documents of deceased soldier have been destroyed after expiry of its period as per policy in vogue. On the basis of information available in Long Roll, Late Sep Rajendra Singh was married to Smt Bimla Devi. The soldier was killed in action on 21.10.1962 and accordingly, Smt Bimla Devi, widow of Late Sep Rajendra Singh was granted family pension vide PPO No F/1780/1964. Further family pension was revised as Liberalized Family Pension vide PPO No F/BC/65/1981 and F/BC/9354/1982. He further submitted that details of children and legal heirship of Smt Bimla Devi are not recorded in the Long Roll hence Rajput Record Office is not in a position to ascertain relationship with Maheshwar Singh as son of Smt Bimla Devi. Learned counsel for the respondents submitted that Rajput Record Office has no information regarding reduction of pension of Smt Bimla Devi to ordinary family pension. He further submitted that the case is time barred by almost 57 years and in order to confirm whether the applicant is correctly entitled to receive life time arrears in respect of

Smt Bimla Devi, necessary documents are mandatory for publication of his birth part II Order. In absence of original documents, Records The Rajput Regiment is not in a position to offer comments on the instant case. Learned counsel for the respondents submitted that Hon'ble Tribunal may graciously be pleased to dismiss the present O.A. being infructuous and devoid of merit.

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

6. After having heard the submissions of learned counsel of both, we find that name of the applicant Shri Maheshwar Singh is not recorded in the available records held with the office as a son of Smt Bimla Devi widow of Sep Late Rajendra Singh. Further Shri Maheshwar Singh alleged to be son of Smt Bimla Devi has approached this Tribunal after about 57 years and service documents have been destroyed by burning, at this belated stage it is not possible to establish his heirship with the deceased soldier.

7. In view of the above, we are unable to decide the case in vacuum after a prolonged gap of more than 57 years and in absence of original documents. In Long Roll of Sep Rajendra Singh name of Shri Maheshwar has not been recorded as son. In view of the facts, O.A. is devoid of merit for want of

supporting documents and is therefore liable to be dismissed. It is accordingly **dismissed**.

8. No order as to cost.
9. Pending applications, if any, are disposed off.

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

Dated: 03 September, 2021  
Ukt