

Form No. 4

[See rule 11(1)]

ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1 (List B)

T.A. No. 67 of 2012

Khursheeda Beghum

By Legal Practitioner for Petitioner

Versus

Petitioner

Respondents

Record Officer

By Legal Practitioner for Respondents

Orders of the Tribunal

Notes of the Registry	Orders of the Tribunal
	<p><u>05.05.2017</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Lt Gen Gyan Bhushan, Member (A)</u></p> <p>Present: Shri R Chandra, learned counsel for the petitioner and Shri DK Pandey, learned counsel for the respondents.</p> <p><u>ORDER (Oral)</u></p> <p>Heard Shri R Chandra, learned counsel for the petitioner, Shri DK Pandey, learned counsel for the respondents alongwith Maj Piyush Thakran, Departmental Representative and perused the record.</p> <p>After the death of Sepoy Late Nek Mohammad, controversy arose with regard to payment of post retiral dues/family pension of Sepoy Late Nek Mohammad. Allegedly one Salma Beghum, who as per records, is the wife of Late Nek Mohammad, seems to be missing since 2nd May 1965. The petitioner Khursheeda Beghum approached the respondents that she is the legally wedded wife of Sepoy Late Nek Mohammad and she should be paid post retiral dues/family pension. However, the respondents called upon the petitioner to submit certain documents for grant of family pension, but it has not been submitted by the petitioner.</p> <p>The submission of Shri R Chandra, learned counsel for the petitioner is that Salma Beghum was missing since 2nd May 1965 and her whereabouts were not known and thereafter the petitioner had married to Sepoy Late Nek Mohammad and accordingly, she is entitled for post retiral dues/family pension of the deceased Sepoy Late Nek Mchammad.</p> <p>The fact remains that no decision has been taken on the representations made by the petitioner before the respondents. The controversy requires fresh decision in the case.</p> <p>Accordingly, Transferred Application is disposed of with liberty to the petitioner to move a fresh representation before the respondents/competent authority within one month from today, which shall</p>

[Signature]

be adjudicated by the respondents/competent authority by passing a speaking and reasoned order expeditiously say within a period of four months from the date of such representation after providing proper opportunity of hearing to the parties concerned.

The petitioner shall submit all the material documents before the respondents/competent authority which may establish that she is the legally wedded wife of deceased Sepoy Late Nek Mohammad of Indian Army. We may make it clear that we have not entered into the merits of the controversy.



(Lt Gen Gyan Bhushan)
Member (A)

PKG



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