

**RESERVED**  
**Court No. 2**  
(Ser No 20)

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

**ORIGINAL APPLICATION No. 798 of 2022**

Friday, this the 21<sup>st</sup> day of April, 2023

**Hon'ble Mr. Justice Anil Kumar, Member (J)**  
**Hon'ble Maj Gen Sanjay Singh, Member (A)**

Smt Birbala w/o 2973717M 60912, Ex Nk (TS) Sep Late  
Sadhu Singh R/O Village-Pratappur Gahbara, PO-Kudia, Teh-  
Sadar, District-Sahjahanpur (U.P.).

.....Applicant

Learned counsel for: **Shri Vijay Kumar Pandey**, Advocate  
the Applicant

Versus

1. Union of India through Secretary, Ministry of Defence,  
South Block, R.K. Puram, New Delhi-110011.
2. OIC Records, Records Rajput Regiment, PIN-900427,  
C/o 56 APO.
3. PCDA (P), Draupadi Ghat, Allahabad (U.P.).

.....Respondents

Learned counsel for: **Shri RC Shukla**, Advocate  
the Respondents. Central Govt. Counsel

**ORDER**

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

*(i) That this Hon'ble Tribunal may kindly be pleased to direct the opp. Parties to grant the Family Pension from the date of death of her husband i.e. 18.10.2018 to for life with 18% p.a. since due date to actual date of payment in the interest of justice.*

*(ii) That this Hon'ble Tribunal may kindly be pleased to award the cost Rs. 20,20,000/- (Rs. Twenty Lac and Twenty Thousand Only) to the applicant against the opposite parties and allow the same.*

*(iii) That this Hon'ble Tribunal may be pleased to pass any other order or direction which this Hon'ble Court may deem just and proper be passed in favour of the applicant.*

2. Brief facts of the case are that No. 2973717-M ex Nk (TS) was enrolled in the Army as Sepoy on 30.04.1977 and after fulfilling terms of engagement he was discharged from service on 30.04.1992 (AN) under Rule 13 (3) III (i) of the Army Rules, 1954. After discharge from service he was granted service pension which he received till he died on 17.10.2018.

3. During the course of his service he got married to Smt Rajkumari (first wife) on 25.06.1978 who died on 10.10.1982. Thereafter, he got married to Smt Manju Devi (second wife) on 14.06.1983 and her name was entered in service records of the deceased soldier which still exists. Applicant claiming to be third wife of the deceased soldier was married to him on

16.05.1996 after death second wife on 06.05.1995, but during the life time the deceased soldier failed to get her third wife's name entered in the records. After death of her husband, for the first time, applicant submitted letter dated 19.07.2021 to Officer-in-Charge Records, Rajput Regiment for publication of Part-II Order for grant of family pension. In pursuance to this letter the Records vide letter dated 20.07.2021 asked certain documents for publication of marriage Part-II Order. In regard to this applicant approached Zila Sainik Welfare Office, Shahjahanpur who vide letter dated 18.02.2022 approached Records the Rajput Regiment. On 11.03.2022 the Rajput Regiment informed Zila Sainik Welfare Office, Shahjahanpur to submit documents duly verified for publication of Part-II Order, but instead of sending documents pertaining to publication of Part-II Order in respect of marriage, applicant has filed this O.A. for grant of family pension.

4. Submission of learned counsel for the applicant is that the deceased soldier was enrolled in the Army on 30.04.1977 and after discharge from service he was in receipt of service pension w.e.f. 01.05.1992 which he received till his death on 17.10.2018. It was further submitted that while in service the deceased soldier got married to Smt Raj Kumari (first wife) on 25.06.1978 who died on 10.10.1982 and after her death he got married to Smt Manju Devi (second wife) on 14.06.1983

and occurrence report to this effect was published. It was further submitted that Smt Manju Devi died on 06.05.1995 and after her death he got married to Smt Birbala (third wife i.e. applicant) on 16.05.1996.

5. Learned counsel for the applicant further submitted that applicant's husband, who was in receipt of service pension, died on 17.10.2018 and after his death applicant being legally wedded wife approached Records the Rajput Regiment and Zila Sainik Welfare Office, Shahjahanpur for grant of family pension but after protracted correspondence marriage Part-II Order could not be published even after providing requisite documents i.e. death certificates in respect of Smt Manju Devi (first wife) and her husband (Deceased soldier). It was further submitted that in support of her identity with regard to widow of the deceased soldier the applicant has filed copy of 'Parivar Register', certificate from SDM Shahjahanpur dated 02.02.2019 and copy of Bhulekh. The learned counsel pleaded for grant of family pension to the applicant w.e.f. 18.10.2018 i.e. w.e.f. next date of death of her husband.

6. On the other hand, learned counsel for the respondents submitted that ex Nk (Late) Sadhu Singh was enrolled in the Army on 30.04.1977 and discharged from service w.e.f. 30.04.1992 (AN) under Rule 13 (3) III (i) of Army Rules, 1954 on fulfilling the conditions of enrolment. It was further

submitted that during the course of his service he got married to Smt Raj Kumari (first wife) on 25.06.1978 who died on 10.10.1982. Subsequently, he got married to Smt Manju Devi (second wife) on 14.06.1983 whose name is entered in service records of the deceased soldier.

7. Learned counsel for the respondents further submitted that ex Nk Sadhu Singh died on 17.10.2018 and upon his death Smt Birbala stating herself to be widow of the deceased soldier forwarded an application for grant of family pension mentioning therein that she was married with the deceased soldier on 16.04.1996. It was further submitted that on receipt of application the Records the Rajput Regiment asked certain documents for publication of Part-II Order duly verified by Zila Sainik Welfare Office, Shahjahanpur but the same were not made available. Concluding his submission, learned counsel for the respondents pleaded for dismissal of O.A. with directions to the applicant to provide the documents required for publication of her marriage Part-II Order.

8. Heard Shri Vijay Kumar Pandey, learned counsel for the applicant and Shri RC Shukla, learned counsel for the respondents and perused the record.

9. No. 2993717-M Ex Nk (TS) (late) Sadhu Singh was enrolled in the Rajput Regiment of the Indian Army on 30.04.1977 and discharged from service w.e.f. 30.04.1992

(AN) after fulfilling the terms of engagement. He was granted service pension which was revised from time to time. During the course of his service he got married with Smt Raj Kumari (first wife) on 25.06.1978 who died on 10.10.1982. Subsequently, the deceased soldier got re-married with Smt Manju Devi (second wife) on 14.06.1983 whose name is entered in Sheet Roll (Annexure-I).

10. The record shows that Smt Manju Devi (second wife) died on 06.05.1995 (Annexure-5). Upon her death Sadhu Singh got married with Smt Birbala (applicant) on 16.05.1996. On death of Sadhu Singh applicant applied for grant of family pension vide application dated 19.07.2021 (Annexure-3) which was replied vide Records Rajput Regiment letter dated 28.07.2021 (page 29 of O.A.) asking various documents duly verified through Zila Sainik Welfare Office, Shahjahanpur with regard to publication of Part-II Order, which were not supplied.

11. In regard to her claim that she is legally wedded wife of the deceased soldier, on perusal of record supplied by learned counsel for the applicant, we find that in support of her claim for grant of family pension the following documents have been placed on record to establish the fact:-

- (i) Sub Divisional Magistrate, Shahjahanpur certificate dated 02.02.2019 (Annexure 4).

- (ii) Death certificate in respect of first wife (Annexure 6).
- (iii) Death certificate in respect of second wife (Annexure 5).
- (iv) Copy of Bhulekh mentioning name of the applicant (Annexure 7).
- (v) Copy of 'Parivar Register' (Annexure 8).
- (vi) Affidavit dated 25.11.2021 (Annexure 9).
- (vii) Certificate of Village Pradhan (Annexure 10).
- (viii) Copies of Aadhar Cards in respect of family members (Annexure 11).

12. On perusal of aforesaid documents we are of the view that applicant seems to be legally wedded wife of the deceased soldier whose Part-II Order is required to be published by the respondents after verification of the antecedents.

13. In view of the above, the applicant is directed to submit required documents, as desired vide letter dated 28.07.2021, to Records, Rajput Regiment duly verified by Zila Sainik Welfare Office, Shahjahanpur for publication of necessary Part-II Order related to marriage in respect of the applicant to make her eligible for grant of family pension. The documents so required shall be supplied within a period of two months from today and the

respondents (Non effective group of the Record Office) are directed to notify the Part-II Order for grant of family pension within a period of two months after receipt of required documents from Zila Sainik Welfare Office, Shahjahanpur.

14. We also find that after death of Smt Manju Devi (second wife) the deceased soldier did not make any effort to get name of the applicant entered in his record, but since the documents placed on record clearly suggests that she is legally wedded wife of the deceased soldier, respondents should render every possible help in publication of her Part-II Order so that she could get her entitled dues. Respondents are further directed to render all possible assistance in processing claim of the applicant for grant of family pension as applicant is illiterate.

15. With the aforesaid directions, the O.A. is disposed off finally with liberty to the applicant to approach this Tribunal if she is further aggrieved.

16. No order as to costs.

17. Miscellaneous application(s), pending if any, stand disposed of.

**(Maj Gen Sanjay Singh)**  
**Member (A)**

Dated: 21.04.2023

*rathore*

**(Justice Anil Kumar)**  
**Member (J)**