

RESERVED
Court No. 2

ARMED FORCES TRIBUNAL, REGIONAL BENCH LUCKNOW

ORIGINAL APPLICATION No. 58 of 2023

Monday, this the 19th day of February, 2024

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

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

Kalawati, W/o Late Triloki Nath
Village & Post – Bahaware,
Tehsil & District – Ballia (UP)

.... Applicant

Ld. Counsel for the Applicant : **Shri Jay Prakash Singh &
Shri MVS Chauhan,**
Advocates

Versus

1. Union of India, through its Secretary, Ministry of Defence, New Delhi.
2. Controller, Central Defence Accounts (Pension), New Cantt, Allahabad.
3. OIC, Defence Security Corps Records, Mill Road, Kannur, PO – Bernachery, PIN-670013, C/o 56 APO.
4. Chief Manager Central Bank of India (CPPC), IInd Floor, MMO Building MG Road, Old Mumbai – 400023.
5. The Branch Manager, Central Bank of India, Station Road, Ballia.

..... Respondents

Ld. Counsel for the Respondents: **Shri Ashish Kumar Singh,**
No. 1 to 3 Central Govt. Standing Counsel

Ld. Counsel for the Respondents: **Shri Arvind Kumar Srivastava,**
No. 4 & 5 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. To issue a suitable order or direction to the respondents to pay dual pension in view of PPO No 194202100656/3000 dated 05.03.2021 alongwith arrears.*
- ii. The Hon’ble Court may be pleased to issue any such other and further orders/directions in favour of the applicant for which this Hon’ble Court may deem just and proper in the facts and circumstances of the case.*
- iii. To award the cost of the application to the applicant.”*

2. Briefly stated facts are that husband of the applicant, Ex Nk Triloki Nath was initially enrolled in the Indian Air force on 25.01.1965 and discharged from service on 31.01.1980 after rendering 15 years of service. Husband of the applicant was granted service pension of Air Force service vide PPO No. S/C/85/80. Thereafter, husband of the applicant was re-enrolled into DSC on 16.10.1984 and discharged from service on 30.11.2002 after rendering more than 18 years of service for which he was granted second service pension of DSC vide PPO No. S/006210/2002. Husband of the applicant died on 04.01.2011. Accordingly for notifying the family pension in respect of the applicant,

Sheet Roll and Enrolment Forms pertaining to both the services were forwarded to Air Force Record Office, Subroto Park, New Delhi vide DSC Records letter dated 03.03.2011. The applicant was issued PPO No. F/NA/0109/2012 (AF) for grant of family pension w.e.f. 05.01.2011 for the Air Force service. Later on, claim for grant of dual family pension was processed to PCDA (P) Prayagraj vide DSC Records letter dated 13.03.2020 which was received back with some observations and on receipt of necessary documents, PCDA (P) Prayagraj issued dual family pension PPO No. 1942021000656/3000. However, applicant is in receipt of only one pension of the Air Force service and hence, present Original Application has been filed for grant of second pension of DSC also in terms of dual family pension as per PPO issued to the applicant.

3. It is submitted by learned counsel for the applicant that husband of the applicant was enrolled in the Indian Air force on 25.01.1965 and discharged from service on 31.01.1980. Thereafter, husband of the applicant was re-enrolled in DSC on 16.10.1984 and discharged from service on 30.11.2002. Husband of the applicant was in receipt of pension from both the services, Indian Air Force and DSC. Husband of the applicant died on 04.01.2011. After death of her husband, applicant is getting pension from the Indian Air Force as per PPO issued on 01.03.2012 through her PDA, i.e. Central Bank of India, Kharauni Kothi Town Hall Road, Ballia. Though, husband of the applicant was in receipt of dual pension from Indian Air Force and DSC but applicant is not getting pension for the DSC service, whereas the applicant is eligible and entitled for family pension of the Air Force as well as DSC separately.

4. Learned counsel for the applicant further submitted that as per Govt. of India, Ministry of Defence letter dated 21.03.2013, applicant is entitled for dual family pension. In this regard, PCDA (P) Allahabad has also issued Circular dated 19.07.2013. The applicant also sent many letters to the competent authorities for grant of DSC pension which were replied by the DSC Records but so far applicant has not been granted family pension from DSC. Though, copy of PPO for grant of DSC pension has been sent to Central Bank of India, Kharauni Kothi, Station Road, Ballia on 05.03.2021 but pension has not yet been released by the Bank. He pleaded for grant of second pension of DSC to the applicant from the next date of death of her husband, i.e. w.e.f. 05.01.2011 alongwith interest on arrears.

5. Per contra, learned counsel for the respondents No. 1 to 3 submitted that husband of the applicant was initially enrolled in the Indian Air Force on 25.01.1965 and discharged from service on 31.01.1980 after rendering 15 years of service. Husband of the applicant was granted service pension of Air Force service vide PPO No. S/C/85/80. Thereafter, husband of the applicant was re-enrolled into DSC on 16.10.1984 and discharged from service on 30.11.2002 after rendering more than 18 years of service for which he was granted second service pension of DSC vide PPO No. S/006210/2002. Husband of the applicant died on 04.01.2011. Accordingly for notifying the family pension in respect of the applicant, Sheet Roll and Enrolment Forms pertaining to both the services were forwarded to Air Force Record Office, Subroto Park, New

Delhi vide DSC Records letter dated 03.03.2011. However, documents were not sent back to DSC Records after verification and necessary action. The applicant was issued PPO No. F/NA/0109/2012 (AF) for grant of family pension w.e.f. 05.01.2011 for the Air Force service. Later on, claim for grant of dual family pension was processed to PCDA (P) Allahabad vide DSC Records letter dated 13.03.2020 which was received back with some observations and on resubmission of necessary documents, PCDA (P) Prayagraj issued dual family pension PPO No. 1942021000656/3000 in favour of the applicant.

6. Learned counsel for the respondents No. 1 to 3 further submitted that applicant is in receipt of only one pension of the Air Force service. Though, DSC Records vide letter dated 05.03.2021 has forwarded copy of PPO No. 1942021000656/3000 to the Chief Manager, Central Bank of India (CPPC), MG Road, Fort, Mumbai for making necessary payment of family pension to the applicant in her savings account held with Central Bank of India, Kharauni Kothi, Station Road, Ballia, hence, no further action is needed on the part of the Union of India & Others and it is the responsibility of the PDA to credit amount of family pension of DSC service alongwith arrears in bank account of the applicant held with their Branch.

7. Learned counsel for the respondents No. 4 & 5 submitted before the court that due to misplacement of documents/ copy of PPO, family pension of DSC service could not be granted to the applicant. Now, the bank has received the required papers and

amount of family pension alongwith arrears will be credited in bank account of the applicant shortly.

8. Having heard the submissions of learned counsel both sides and having gone through the records, we find that applicant is in receipt of only one family pension, i.e. from Air Force, however, she is entitled to dual family pension from Air Force as well as DSC for which PPO has already been issued vide PPO No. 1942021000656/3000 dated 05.03.2021 but PDA of the applicant, i.e. Central Bank of India, Ballia has not granted/credited amount of dual family pension in bank account of the applicant.

9. Since, learned counsel for the respondents No. 4 & 5 (Bank) has conceded that amount of dual family pension of DSC service will be credited alongwith arrears in bank account of the applicant shortly, we feel it proper to direct the respondents No. 4 & 5 to grant dual family pension to the applicant from the next date of death of husband of the applicant and pay arrears accordingly.

10. Accordingly, Original Application is **allowed**. The applicant is entitled to dual family pension of Air Force as well as DSC. Since, the applicant is already in receipt of family pension from the Indian Air Force, the respondents (Bank) are directed to grant family pension of both the services of Air Force as well as DSC to the applicant separately as per PPO issued to the applicant and pay arrears of family pension of DSC service from the next date of death of husband of the applicant (05.01.2011). Arrears will carry simple

interest @ 6% from the date of issue of PPO No. 1942021000656/3000, i.e. w.e.f. 05.03.2021 till the date of actual payment/credit in bank account of the applicant. The respondents are further directed to implement this order within a period of three months from the date of receipt of certified copy of this order. Delay shall carry interest @ 8% per annum till actual payment.

11. No order as to costs.

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

(Lt Gen Anil Puri)
Member (A)

(Justice Anil Kumar)
Member (J)

Dated: February, 2024
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