

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

**Original Application No. 94 of 2019**

**Tuesday, this the 06<sup>th</sup> day of July, 2021**

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

Smt Durgawati Devi widow of Ex Hav/Clk No 1423881A Banke Bahadur Singh, resident of village and post – Narahi Nagra, District-Ballia (UP).

..... Applicant

Ld. Counsel for the: **Shri VP Pandey, Advocate**  
Applicant

Versus

1. Union of India, through the Secretary, Ministry of Defence, South Block, New Delhi-110011.
2. Chief of the Army Staff, Integrated Headquarter of the Ministry of Defence (Army), South Block, New Delhi-110011.
3. Officer-in-Charge Records, Bengal Engineer Group and Centre Roorkee.
4. Principal Controller Defence Accounts (P), Draupadi Ghat, Allahabad-211004.
5. Officer-in-Charge Records, Raksha Suraksha Corps Abhilekh Defence Security Corps, Mill Road, Cannanore-670013.

..... Respondents

Ld. Counsel for the :**Shri Asheesh Agnihotri, Advocate**  
Respondents Central Govt Counsel.

## **ORDER (Oral)**

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

(i) To issue/pass an order directing the respondent to grant dual family pension to the applicant w.e.f. the date of death of husband of the applicant i.e. 10.08.2000.

(ii) Issue/pass any other order or direction as this Hon'ble Tribunal may deem fit in the circumstances of the case.

(iii) Allow this application with exemplary costs.

2. Brief facts of the case are that the applicant was enrolled in the Army on 18.08.1960 and discharged from service w.e.f. 31.08.1975 (AN). After discharge from Army he was granted pension vide PPO No. S/16420/1965. Later he was enrolled in Defence Security Corps (DSC) on 14.12.1976 and discharged from DSC on 31.12.1991 in terms of Rule 13 (3) of Army Rules, 1954 on fulfilling the conditions of his enrolment. After enrolment in DSC, applicant's former service pension was suspended under the provisions of Rule 267 (d) of Pension Regulations for the Army, 1961 (Part-I) and PCDA (P) Allahabad letter dated 04/06.03.1978. Consequent to the issue of revised terms and conditions of service in DSC vide Govt of India, Ministry of Defence letter dated 03.03.1983, ex (late) Banke Bahadur Singh had exercised the option to continue to draw service pension and not to count his former service towards second service in DSC. Accordingly, the suspended service pension of the deceased soldier was resumed w.e.f. 25.01.1983 vide PCDA (P), Allahabad letter dated 10.05.1988. He was discharged from DSC service with effect from 31.12.1991 (AN) after rendering more than 15 years of service and

granted second service pension vide PPO No. S/2093/1991. After demise of her husband applicant is in receipt of family pension from DSC but she is not in receipt of dual family pension. This O.A. has been filed for grant of family pension from Army w.e.f. 10.08.2000 (date on which her husband died) i.e. dual family pension in terms of PCDA (P) Circular No. 504 and 514 issued vide letters dated 17.01.2013 and 05.09.2013 respectively.

3. Learned counsel for the applicant submitted that husband of the applicant was in receipt of both pensions but after his demise, pension from Army has been stopped. His further submission is that though applicant is in receipt of family pension from DSC but she is also entitled pension from Army in terms of Circular No. 504 and 514. He pleaded for grant of dual family pension.

4. On the other hand, learned counsel for the respondents conceded vide para 8 of counter affidavit that applicant is entitled to dual family pension w.e.f. 24.09.2012. He further submitted that on knowing the fact BEG Records, Roorkee forwarded family pension claim forms to the applicant vide letter dated 13.10.2018 for completion and early return. On this issue a reminder was also issued to the applicant but she never submitted the forms duly filled in for processing of the claim and issuance of PPO.

5. We have heard learned counsel of both sides and perused the material placed on record.

6. It is not disputed that husband of the applicant served in Army and DSC and was granted pension from both the organizations but after demise of applicant's husband she is getting only one family pension from DSC whereas she is entitled to dual family pension i.e. from Army also in terms of Circular No. 504 and 514.

7. Respondents vide para 8 of the counter affidavit have conceded that applicant is entitled to dual family pension in terms of Circular No. 504 and 514 issued by PCDA (P), Allahabad. For the purpose of granting dual family pension, certain forms were required to be filled and submitted to respondents for processing of claim which seems to have not been submitted as yet by the applicant.

8. It is pertinent to mention that this issue has already been settled in O.A. No. 340 of 2013, **Smt Savitri Devi vs Union of India & Ors**, by the Hon'ble Principal Bench vide order dated 03.03.2014 wherein the petitioner was granted family pension w.e.f. the date next to the date of death of petitioner's husband.

9. Thus, keeping in view the above and submission made by respondents in para 8 of the counter affidavit, we are of the view that applicant is entitled to dual family pension.

10. In view of the above, O.A. is **allowed**.

11. Applicant is directed to forward required forms to the Pension Sanctioning Authority for processing of claim with regard to pension from Army. Respondents are directed to process her claim and pay applicable pension along with arrears, w.e.f. the date next to the date of death of applicant's husband, within a period of three months on receipt of requisite forms from the applicant.

12. No order as to costs.

13. Pending applications, if any, are disposed off.

**(Vice Admiral Abhay Raghunath Karve)**  
**Member (A)**

**(Justice Umesh Chandra Srivastava)**  
**Member (J)**

Dated : 06.07.2021  
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