

Court No.1

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

ORIGINAL APPLICATION No. 189 of 2022

Friday, this the 27th day of May, 2022

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

Smt. Rachana, Wife of No. 2709108X (Late Gdr Gulav Singh,
Resident of Village and Post Office- Badheri Ghoghu, District-
Saharanpur (U.P.)- 247001.

..... **Applicant**

Learned counsel for the :**Shri VP Pandey, Advocate**
Applicant

Versus

1. Union of India, through Secretary, Ministry of Defence, New delhi-110011.
2. The Chief of the Army Staff, Integrated headquarter, Ministry of Defence (Army), South Block, New Delhi – 110011.
3. Officer In Charge Records, 6 Grenadiers, C/o 56 APO.
4. Office of the Department of Posts, India Central Processing Centre PLI (/ RPLI, Una Head Post Office, Una (Himachal Pradesh)- 174303.
5. Additional Directorate General, Army Postal Services, PIN -908700, C/o 56 APO.

.....Respondents

Learned counsel for the Respondents. : **Shri Ashok Kumar Mishra
Central Govt. Counsel**

ORDER

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

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

- (a) *To set aside/ quash the impugned order dated 11 November 2021, contained in Annexure No A-1 vide which Postal Life Insurance Death Claim have been arbitrarily and illegally rejected.*
- (b) *To pass an order/direction to respondent Nos 4 and 5 that Postal Life Insurance Death Claim be settled in favour of applicant.*
- (c) *Any other relief as considered proper by this Hon’ble Tribunal be awarded in favour of the applicant.*
- (d) *Cost of the P.A. be awarded to the applicant.*

2. Brief facts of the case giving rise to this application are that husband of the applicant was enrolled in the Indian Army on 19.03.2013. He died on 01.09.2021. The marriage of applicant was solemnised on 10.03.2016 and Part II Order dated 24.11.2017 was published. Respondents denied Postal

Life Insurance (PLI) claim to the applicant on the ground that deceased soldier had nominated his mother Smt Meena Devi as nominee in PLI policy documents. The applicant preferred representations for nomination in record of PLI in place of mother of deceased soldier to get death benefits which was rejected. Being aggrieved, applicant has filed instant O.A. for grant of death benefits of PLI.

3. Learned counsel for the applicant submitted that husband of the applicant had taken a PLI policy No APS 1528570L for sum assured Rs. 12,00,000/- and monthly instalment of the policy was fixed to Rs, 4,260/- per month. The PLI policy was proposed on 20.08.2014 at the age of 23 years and last payment was falling due in August 2036 but before maturity the husband of the applicant died. After death of her husband, the applicant submitted representation to respondents with request that her name be entered in PLI policy of her husband in place of mother of deceased soldier to enable her to get death benefits. Applicant's document for maturity/death claim was returned to applicant with a direction that death claim can be submitted to any civil Head Post Office to settle the claim. Learned counsel for the applicant pleaded that directions be

issued to respondents to pay death benefits of PLI scheme to the applicant.

4. On the other hand, learned counsel for the respondents submitted that husband of the applicant in his PLI policy has nominated his mother Smt Meena Devi as nominee for receiving the death benefits in case of his death and even after marriage with the applicant nomination in PLI policy was not changed in favour of the applicant. As per Post Office Life Insurance rulings, there is no provision to change the nominee in the PLI policy documents after death of the policy holder. Applicant after death of her husband submitted application dated 29.09.2021. She was advised to apply for grant of PLI death claim at nearest civil Head Post Office (CPC) as all PLI policies have been migrated to online software. The applicant further submitted an application dated 26.10.2021 to Una Head Post Office stating that she and her minor child are only legal heir of late Gdr Gulav Singh and prayed for not paying death claim in respect of PLI policy to mother in law Smt Meena Devi who is nominee in said PLI policy. Una Head Post Office informed the applicant that said policy will be settled in favour of the nominee as per prescribed Post Office Insurance ruling and requested her to contact nominee for further action. Learned counsel for the

respondents submitted that all types of service requests related to PLI have been stopped at APS Directorate as per directions of Quarter Master General's Branch, Integrated Headquarters of Ministry of Defence. The case file in respect of PLI Policy No APSs 1528270L pertaining to Late Gdr Gulav Singh has already been dispatched to Nodal Officer (APS PLI policies), C/o CPMG, MP Circle, Bhopal duly entered in Ser 59 of Bundle No 39. Learned counsel for the respondents submitted that applicant is not nominee in the policy, hence she is not entitled for grant of PLI policy claim. Instant O.A. is misconceived and is liable to be dismissed.

5. Heard learned counsel for the parties and perused the material placed on record. The question before us to decide is whether applicant is entitled for grant of PLI death claim after death of her husband while she is not nominee in the policy documents?

6. In the instant case, deceased soldier nominated his mother Smt Meena Devi as nominee for receiving the death benefits in case of his death which was not changed in favour of the applicant after marriage of the applicant. As per rule, amount of PLI policy can be paid to nominee only. After death of policy

holder, nominee cannot be changed. In view of above, applicant is not entitled death benefits of PLI policy of her husband.

7. In the result, we are of the view that claim of applicant for grant of PLI death benefit is not sustainable and has rightly been rejected by the respondents which need no interference.

8. In view of above, O.A. has no merit, deserves to be dismissed and is accordingly **dismissed**.

9. No order as to costs.

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

Dated: 27 May, 2022

UKT/-