

Form No. 4
[See rule 11(1)]
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 1

Ex.A. No. 119 of 2017 Inre O.A. No 215 of 2013

Smt Pooja Devi
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>03.03.2021</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: center;">Heard Shri KK Misra, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents.</p> <p style="text-align: center;">This Execution Application has been filed by the applicant for execution of order dated 31.08.2016 passed in O.A. No 215 of 2013.</p> <p style="text-align: center;">Learned counsel for the respondents submitted that order dated 31.08.2016 of this Tribunal has been complied with and PPO has been issued, hence Execution Application was dismissed on 05.10.2018.</p> <p style="text-align: center;">Applicant filed application for recall of order dated 05.10.2018 stating that order has not been fully complied with. By means of this recall application applicant has prayed for grant of Ex Gratia @ Rs. 20 lacs. In addition, applicant has prayed for grant of Education concession as applicable to children of deceased soldiers of battle casualty.</p> <p style="text-align: center;">We have gone through the order dated 31.08.2016 passed by this Tribunal.</p> <p style="text-align: center;">As far as grant of Ex Gratia is concerned, in Para 2 (a) of Govt of India, Ministry of Defence, letter dated 04.06.2010, it is clearly stated that in case of "Death occurring due to accidents in course of duties Rs. 10,00000/- (Rs 10 lacs) shall be paid to next of kin of deceased defence personnel as ex gratia lump sum compensation. This amount has already been paid to the applicant. Thus, this part stands complied with.</p> |

In order dated 31.08.2016 passed by this Tribunal, nothing has been mentioned about children education allowance, hence no separate order on children education allowance can be passed. Applicant is getting liberalised family pension regularly along with other financial benefits of battle casualty.

Since, the order of Tribunal has been complied with, this execution application has become infructuous and therefore dismissed as such.

(Vice Admiral Abhay Raghunath Karve)

Member (A)

(Justice Umesh Chandra Srivastava)

Member (J)

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