

**BY CIRCULATION**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

**Review Application No. 20 of 2021**

**Inre:**

**O.A. No. 206 of 2019**

1. Shri Rajiv Chand		
2. Shri Arvind Chand		
3. Shri Chandan Chand		...Applicants
	vs.	
Union of India & ors		...Respondents

**Tuesday, this the 24<sup>th</sup> day of March, 2021**

**ORDER**

1. This Review Application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 has been preferred by legal heirs of the deceased applicant for grant of benefits allowed vide judgment dated 17.02.2021 passed in O.A. No. 206 of 2019. The matter has come up before us by way of Circulation as per provisions of Rule 18 (3) of the AFT (Procedure) Rules, 2008.

2. O.A. No. 206 of 2019 was filed on 22.01.2018 by Smt Savitri Chand widow of late Nb Sub Rami Chand Rajan for grant of disability pension in respect of her late husband who expired on 20.10.1983. The O.A. was allowed vide order dated 17.02.2021 directing the respondents to pay disability pension for two years in respect of her deceased husband w.e.f. date of discharge i.e. 18.08.1978 and thereafter service element as family pension throughout her life time. She is, therefore entitled to disability pension in respect of her late husband for the period from 18.08.1978 to 18.08.1980 and thereafter service element throughout her life time as RSMB was not applicable after demise of her husband.

3. Accordingly, widow of deceased soldier is entitled to disability pension for the period from 18.08.1978 to 18.08.1980 and thereafter

service element of disability pension with effect from her husband's death i.e. 27.10.1983. During pendency of O.A. applicant Smt Savitri Chand expired on 28.03.2019. After applicant's death, legal heirs were substituted vide order dated 14.12.2020, who are entitled to be paid disability pension in respect of deceased applicant for two years i.e. 18.08.1978 to 18.08.1980 and thereafter service element till her mother's death proportionately as under:-

- (i) Shri Rajiv Chand (son)
- (ii) Shri Arvind Chand (son)
- (iii) Shri Chandan Chand (son)

4. In view of the above, the following are the entitlements of deceased applicant which shall be paid to legal heirs of deceased applicant within four months from today:-

- (i) Disability pension for the period of 02 years i.e. 18.08.1978 to 18.08.1990.
- (ii) Service element of disability pension for the period from 19.08.1980 to 28.03.2019.

5. Default will invite interest @ 8% p.a.

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

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

Dated : 24.03.2021  
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