

Court No. 1

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Original Application No 516 of 2017

Thursday, this the 03rd day of March, 2022

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

Munisha Devi widow of late Shiv Prakash (Army No 6462161K Ex Nk), resident of village Samaspur, Post Office-Degari, District-Kashiram Nagar.

..... Applicant

Ld. Counsel for the Applicant: **Shri Om Prakash Kushwaha**, Advocate

Versus

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. Chief Record Officer, Bombay Engineering Group & Centre, Puna, Kirki-3.
3. Principal Controller of Defence Accounts, PCDA (Pension), Allahabad-211014.

..... Respondents

Ld. Counsel for the Respondents : **Shri Anurag Mishra**, Advocate
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 for issuing directions to the respondents for grant of pension in favour of applicant since January, 2010 alongwith 12% interest till date of actual payment. An interim relief has also been sought to direct the respondents to consider and decide the application dated 16.03.2015 or pay the current pension to the applicant during pendency of O.A.

2. Brief facts of the case are that No 64621761K Ex Nk (late) Shiv Prakash was enrolled in the Army on 08.04.1972 and after discharge from service he was granted service pension vide PPO No S/72788/86 dated 22.12.1986. During the course of his service he was married to Mithlesh Kumari whose name is mentioned in his service dossier and PPO. On 02.01.1992 the soldier intimated the Records through Zila Sainik Board, Etah that his wife died on 18.01.1991. The applicant is stated to be second wife of the deceased soldier and during life time the deceased soldier never informed the authorities that Smt Munisha Devi is his second wife. The ex-serviceman died on 08.02.2010 and after his death applicant on 18.03.2010 approached Zila Sainik Kalyan Evam Punarvas Officer, Etah for grant of family pension. In turn, on 03.04.2010 Records BEG asked the applicant to forward certain documents with regard to publication of marriage Part II Order which the applicant failed to forward despite sending reminders from the Records vide letters dated 06.08.2010 and 09.06.2015.

3. Heard learned counsel for the parties.

4. It is an admitted case of the parties that No 64621761K Ex Nk (late) Shiv Prakash was in receipt of service pension w.e.f. 01.05.1987 vide PPO No S/72788/86 dated 22.12.1986 and he died on 08.02.2010. His wife Smt Mithlesh Kumari whose name is entered in service documents had already died on 18.01.1991 and intimation to this effect was given to Records on 02.01.1992. The applicant, claiming to be second wife of the deceased soldier, when approached the Records for grant of family pension, was asked to provide certain documents for publication of marriage Part II Order but she failed to provide despite reminders from the Records.

5. In view of the above, before going into merits of the case, we direct the applicant to submit the requisite documents (asked vide letter dated 09.06.2015) to the Records, BEG, Pin-908796, C/O 56 APO within a period of three months from today to settle her case.

6. With the aforesaid direction the O.A. is **disposed** off finally.

7. No order as to costs.

8. Pending miscellaneous application(s), if any, shall be treated to have been disposed off.

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

Dated: 03.03.2022

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