

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

**ORIGINAL APPLICATION NO. 135 OF 2021**

Friday, this the 25<sup>th</sup> day of March, 2022

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

Smt Bhagwan Devi, Wife of Late – Jagvir Singh (No-13927943Y Ex Sep) , Resident of Village- Nagla Kohlu (Mayuna Par) Post Office- HOP Mathura, District- Mathura (Uttar Pradesh) – 28001.

..... Applicant

Learned counsel for the: **Shri Yashpal Singh, Advocate**  
Applicant

Versus

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi.
2. Additional Director General Personnel Services, Adjutant General's Branch, Integrated Headquarter of Ministry of Defence (Army), DHQ PO New Delhi 110011.
3. Officer In Charge Records, Army Medical Corps Record Office, PIN- 900450, C/o 56 APO.
4. Principal Controller of Defence Accounts (Pension), Draupadi Ghat, Prayagraj.

.....Respondents

Learned counsel for the Respondents. : **Shri Ashish Kumar Singh,**  
**Central Govt Counsel**

## ORDER

### “Per Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)”

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

- (a) *Issue an order directing the respondents to pay interest at the rate of 12% on the arrears of family pension credited in the pension account of the applicant on 20.03.2020 in terms of the PPO dated 15.01.2020.*
- (b) *Issue/ pass any other order or direction as this Hon’ble Tribunal may deem fit in the circumstances of the case.*
- (c) *Allow this Original Application.*

2. This application has been filed by the applicant for grant of interest on arrears of family pension paid to her on 20.03.2020 in pursuance to PPO dated 15.01.2020.

3. Applicant’s husband late Jagvir Singh (No 13927943Y Ex Sep) was enrolled in the Indian Army as a Sepoy on 01.05.1965 and discharged in medical category EEE with disabilities **‘ANXIETY NEUROSIS’** and **‘SCHIZOID PERSONALITY AND PARANOID TRAITS’** on 19.10.1978 before completing his terms of engagement. An Invaliding Medical Board held in the matter on 25.09.1973 assessed his disabilities 40% for two years. He agitated his claim with army authorities for the grant of disability

pension but the same was not allowed saying disabilities he suffered were neither attributable to nor aggravated by the military service.

4. Applicant's husband died on 03.01.2003. After death of husband applicant also agitated the claim for the grant of disability pension to her husband till his death and thereafter family pension to her and on being failed to get she filed O.A. No 183 of 2016 in this Tribunal which was allowed vide order dated 29.08.2017. Judgment and order dated 29.08.2017 was modified vide order dated 04.09.2018 passed in Review Application No 23 of 2018 to the effect that respondents to grant disability pension to the applicant's husband at the rate of 40% for a period of two year from the date of discharge. In pursuance of this order applicant has been paid arrear of disability pension for a period of two years @ 40% from the date of discharge. She has also been paid arrears of family pension of service elements of disability pension with effect from 03.01.2003 vide a separate PPO dated 15.01.2020. The arrears of family pension has been paid on 20.03.2020 which does not includes interest.

5. It is submitted by learned counsel for the applicant that applicant is also entitled to interest on delayed payment of arrear of family pension.

6. Respondents have not disputed the aforesaid contentions. Their only submission is that there was no direction in Tribunal's order to pay family pension to the applicant. Respondents have paid the family pension including arrear at their own wherefore they cannot be forced to pay interest on arrear.

7. We have heard Ld. Counsel for the parties and perused the material placed on record.

8. The question which needs to be answered is 'whether the applicant is entitled for the interest on the arrears of family pension?

9. Upon hearing submissions of learned counsel for the parties we find that once the claim for the grant of disability pension is accepted the applicant becomes entitled to family pension of service elements of disability pension from the next date of death of her husband. Family pension being not a bounty but right of the applicant, the respondents are liable to pay interest on arrears of the pension if the pension is not paid on the due date.

10. Thus, in the result, Original Application succeeds and is **allowed**. The respondents are directed to grant interest on arrear of family pension @ 6% per annum within a period of four months from the date of order. Default will invoke interest @ 8% per annum.

11. No order as to costs.

12. Pending applications, if any, are disposed of accordingly.

(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)

**Member (A)**

**Member (J)**

Dated : 25 March, 2022

UKT/-