

Court No. 1**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW****Original Application No. 207 of 2016**Thursday, this the 31st day of March, 2022**Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)**
Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)Sushila Kumari
W/o Late Maj. Bharat Singh
R/o 666, Purana Shish Mahal, Shashtri Nagar, Ayodhya,
District – Faizabad (UP)..... **Applicant**Ld. Counsel for the Applicant: **Shri Yashpal Singh &**
Shri Sachindra Pratap Singh, Advocate

Versus

1. Union of India through the Secretary to the Govt. of India, Ministry of Defence, New Delhi.
2. Chief of the Army Staff, Indian Army, Army Headquarters, New Delhi.
3. Principal Controller of Defence Account (Pension), Draupadighat, Allahabad -211014.
4. Chief Manager, Central Bank of India, CPPC, 2nd Floor, MMO Bldg. M.G. Road, Fort Mumbai - 400023.
5. Manager, Central Bank of India, Civil Lines Branch, Faizabad, U.P.
6. Yashwant Singh, S/o Ex-Major Late Bharat Singh, R/o Village and post – Tulsipur Manjha, Police Station – Nababganj, District – Gonda.

..... **Respondents**Ld. Counsel for the Respondents : **Ms. Appoli Srivastava,**
Central Govt Counsel
(Respondents No. 1 to 3) &
Shri Vinay Pandey, Advocate
For Respondents No. 4 & 5 &
Shri Bhanu Pratap Singh
Chauhan, Advocate
For Respondent No. 6

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, whereby the applicant has sought following reliefs:-

- “(i) Issue a order or direction to the respondent nos. 4 and 5 to pay the family pension to the applicant including arrears from July 2015 forthwith.
- (ii) Issue a order or direction to the respondents to pay interest amounting to 18% per annum on the arrears of family pension w.e.f. July 2015 till date of actual payment.
- (iii) Any other order or directions, which this Hon’ble Tribunal may deem fit and proper in the circumstances of the case may also be passed in favour of the applicant.
- (iv) Award the cost of the original application.”

2. Brief facts of the case giving rise to this application are that late Maj Bharat Singh retired from the Indian Army and died on 30.10.2014. After death of Maj Bharat Singh, applicant was getting family pension. On conduct of an enquiry by the Bank, it was found that the applicant is not the original wife of Maj Bharat Singh named Sushila Kumari who died on 10.06.2010 and therefore, family pension has been stopped by the Bank. The applicant approached PCDA (P) Allahabad and PDAs (Respondents No. 4 & 5) but nothing has been done to resume family pension. It is in this perspective that applicant has filed this O.A to resume her family pension.

3. Submission of learned counsel for the applicant is that applicant’s husband Late Bharat Singh retired from the Indian Army form the post of Major and died on 30.10.2014 after prolonged illness

in Command Hospital, Lucknow at the age of 69 years vide death certificate dated 01.12.2014. After death of husband of the applicant, she was getting family pension, however, it has not been paid as per recommendations of 6th CPC. When a complaint has been made to respondent No. 3, a letter dated 02.01.2015 was sent to respondent No. 4 and PCDA (P) Allahabad instructed the bank to pay the family pension as per revised rates. Thereafter, applicant was getting revised rates of family pension as per 6th CPC. All of sudden, the family pension of the applicant has been stopped without assigning any reason by respondent No. 5 w.e.f. July 2015. Thereafter, applicant met the officers of bank concerned (PDA) but there was no response or any information was given regarding reason for stoppage of family pension.

4. Learned counsel for the applicant further submitted that applicant being aggrieved, submitted a complaint to respondent No. 3 who, in response to the same, wrote a letter dated 23.07.2015 to respondent No. 5 stating that applicant, who is wife of late Major Bharat Singh has been notified jointly for family pension as per PPO No. M/317/95. Respondent No. 5 took no action on the letter dated 23.07.2015, thereafter, applicant again approached respondent No. 3, who wrote a letter dated 18.08.2015 to respondent No. 4 mentioning therein that "The above family pensioner has complained to this office that payment of family pension has been stopped since July 2015 without any intimation. In this connection, it is advised to verify your records/PPOs and make payment of family pension accordingly under

intimation to this office. Please also refer this office letter no. AT/PSB-III/CBI/Faizabad/2015 dated 02.01.2015 and G-1/Mily/F-19136/B dated 23.07.2015 and pension may be paid accordingly". Thereafter, Senior Accounts Officer (Pensions), also wrote a letter dated 31.03.2016 to respondent No. 4 but no action was taken by the PDA.

5. Learned counsel for the applicant placed reliance on the judgment of the Hon'ble Apex Court in **M. Padmanabhan Nair** (1985) 1 SCC 429 and submitted that stoppage of family pension to the applicant violates the principles of Articles 300(A) and 21 of the Constitution of India which mandates right to live life with dignity. The PDAs are sitting over the matter and survival of the applicant has become very difficult because source of income, i.e. family pension has been stopped. He pleaded for resumption of family pension of the applicant forthwith, alongwith arrears.

6. Per contra, submission of learned counsel for the respondents No. 1 to 3 is that as per family records held by the respondents, Smt. Sushila Kumari was the wife of late Major Bharat Kumar and their marriage was solemnised on 05.06.1965. Yashwant Bahadur Singh, date of birth -15.12.1969, is the son and Malti Devi, date of birth 01.07.1972, is the daughter. It is ironical that documents annexed by the applicant in Original Application showing her to be wife of late Major Bharat Singh as her date of birth to be of 15.06.1960. As per the entries in records, the marriage date of Sushila Kumari and Late Major Bharat Singh is 05.06.1965. This implies that the applicant had

not even completed 5 years of age at the time of her marriage, hence, there is clear an ambiguity. It means, the applicant who proves to herself as Sushila Kumari has managed forged documents but her date of birth of 1960 in comparison to date of marriage showing only 5 years difference in birth and marriage proves that applicant is not the wife of late Maj Bharat Singh.

7. Learned counsel for the respondent No. 6 submitted that applicant's family pension has been stopped due to enquiry conducted by respondent No. 4 & 5 where applicant is not widow of deponent's father and she impersonated herself by producing fabricated and forged documents because legally wedded wife of deponent's father (Late Major Bharat Singh) is Sushila Kumari, D/o Shri Ram Narayan Singh (Date of marriage – 05.06.1965) whose name is mentioned in letter dated 27.11.2015 issued by AG's Branch, while evidently, applicant was born on 15.06.1960 which is clearly mentioned in Adhar Card of the applicant. It is beyond understanding that, if applicant was born in the year 1960 and only after five years, deponent's father had solemnised his marriage with Sushila Kumari on 15.06.1960, then on what basis she is claiming herself as the wife of deponent's father.

8. Learned counsel for the respondent No. 6 further submitted that deponent's mother, i.e. wife of late Major Bharat Singh died on 10.06.2010 during lifetime of deponent's father and after death of deponent's father on 30.10.2014, when he approached Central Bank of India for closure of pension account of his father, he was shocked

to know that some anonymous lady was drawing pension from the account of late Maj Bharat Singh by impersonating herself as a legally wedded wife of late Maj Bharat Singh. Thereafter, deponent sent a letter dated 03.08.2015 to Branch Manager, Central Bank of India, Civil Lines, Faizabad and briefed him about the forgery which has been done by said anonymous lady by withdrawing family pension after death of deponent's father and his mother, i.e. Sushila Kumari. Thereafter, family pension has been stopped. It is also important to mention here that when the concerned Lekhpal conducted the investigation in applicant's letter dated 17.12.2014 and submitted the same to DM, Faizabad for issue of Relationship/Legal Heir Certificate, he found that applicant claiming herself as Sushila Kumari alias Pushpa Singh failed to establish the facts that she is the wife of late Major Bharat Singh because during verification, said Lekhpal found anomalies in the statement of applicant as she claimed herself to be second wife of Col. Bharat Singh and on question of her marriage, she replied that her marriage had been solemnized as Court Marriage but failed to produce the evidence to establish her marriage with deponent's father. He pleaded for dismissal of O.A.

9. Heard learned counsel for the parties and perused the material placed on record.

10. In the instant case, this Tribunal vide order dated 14.10.2016 had directed the Chief Manager Central Bank of India, CPPC, Mumbai (respondent No. 4) to hold an inquiry against the Manager, Central Bank of India, Faizabad (PDA) for stoppage of family pension

to the applicant. In reply, respondent No. 4 intimated that based on own vigilance inquiry, there was some report about impersonation, as such the payment has been stopped.

11. We find that legally wedded wife of Maj Bharat Singh named Sushila Kumari died on 10.06.2010 in his lifetime and Maj Bharat Singh died on 30.10.2014. Thereafter, when his son, Yashwant Singh (Respondent No. 6) approached Central Bank of India (PDA) for closure of pension account of his father, then he came to know that some anonymous lady (applicant) was drawing pension from the account of late Maj Bharat Singh by impersonating herself as a legally wedded wife. The identity of applicant has also been proved as forged from her date of birth (15.06.1960) and date of marriage (05.06.1965) of Late Maj Bharat Singh with applicant as there seems to be only five years difference between date of birth of the applicant and date of her so-called marriage with late Maj Bharat Singh, which clearly shows that at the time of marriage, the applicant was only approximately five years of age which is neither possible nor permissible under law. This fully establishes that documents produced before the bank by the applicant to get family pension have been forged/fabricated.

12. In view of the aforesaid, we are of the opinion that after the death of Maj Bharat Singh, the applicant has managed to fraudulently project herself as wife of late Maj Bharat Singh and was drawing family pension on the basis of forged documents. On conduct of enquiry by the Bank, it was found that the applicant is not the original wife of Maj Bharat Singh also named Sushila Kumari who died on

10.06.2010 and therefore, family pension has been stopped by the Bank which is procedurally correct as per pension policy. Thus, the applicant is not entitled to receive family pension based on forged documents and also because she is an impersonate wife/illegal heir of late Maj Bharat Singh.

13. In view of the above, we find no merit in the present O.A. and the same is **dismissed**.

14. No order as to costs.

15. Pending applications, if any, shall stand disposed of.

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

Dated: March, 2022

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