

Court No.1**ARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW****ORIGINAL APPLICATION No. 818 of 2021**

Tuesday, this the 29th day of March, 2022

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

Smt. Geeta Mishra, M/o No. 8037633H Late PNR (GD)
Reetesh Mishra, W/o Shri Shyam Babu R/o Village –Marag-
Maitha, Post-Maitha, Ps- Shivali, District-Kanpur Dehat (U.P)-
208001.

..... Applicant

Learned counsel for the Applicant :**Shri VK Pandey and
Shri Girish Tiwari, Advocate.**

Versus

1. Union of India, through Secretary, Ministry of Defence, South Block, R.K. Puram, New delhi-110011.
2. Addl. Dte. Gen APS (PLI Cell) Pin -908716, C/o 56APO.
3. Deputy Directorate General of Pnrs, Quartermaster General's Branch, Integrated Headquarters of MoD(Army), West Block-III, R.K. Puram, New Delhi.
4. 1842 pioneer unit, Pin -918542.
5. OIC Records, records the Pioneer Corps, PIN -900493 C/o 56 APO.
6. PAO (OR) Pioneer Corps, 99 Dickenson Road, Banglore-42.
7. PCDA(P), Draupadighat, Allahabad (U.P)-211014.

.....Respondents

Learned counsel for the Respondents. : **Shri Shyam Singh
Central Govt. Counsel**

ORDER

“Per Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)”

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

- (i) *That this Hon’ble Tribunal may kindly be pleased to quash the impugned orders dated 10.09.2021 & 15.12.2015, whereby the death claim against the PLI Policy (No. APS-1536229L) in r/o No. 8037633H Late Pnr (GD) Reetesh Mishra deceased son of the applicant has been rejected by the opposite party No.2 as contained in annexure no.1 & 2 to this original application and direct the opposite parties to grant the death claim against the PLI Policy (No. APS-1536229L) in r/o No. 8037633H Late Pnr (GD) Reetesh Mishra deceased son of the applicant to the applicant, and also provide the interest on the aforesaid delayed amount of PLI Claim with 18% p.a. since due date to actual date of payment in the interest of justice.*
- (ii) *That this Hon’ble Tribunal may kindly be awarded the cost Rs. 20,20,000/- (Rs. Twenty Lac twenty Thousand only) to the applicant against the opposite parties.*
- (iii) *That this Hon’ble Tribunal may be pleased to pass any other order or direction which this Hon’ble Court may deem just and proper be passed in favour of the applicant.*

2. Brief facts of the case giving rise to this application are that son of the applicant was enrolled in the Indian Army on

09.04.2011. After rendering 5 years of service, son of the applicant died in an accident on 27.05.2015 in an operational area. Applicant being nominee claimed Postal Life Insurance (PLI) death benefits, but the same was denied by the respondents. She wrote several letters but death benefits of PLI policy were not granted to her. Being aggrieved, applicant has filed instant O.A. for grant of death benefits of PLI.

3. Learned counsel for the applicant submitted that son of the applicant had preferred a form for proposed PLI policy on 05.09.2014 and it was accepted by the respondents on 07.10.2014, with a premium amount of Rs. 2,375/- to be paid monthly. After death of her son, applicant approached respondents for grant of death benefits of the aforesaid PLI scheme. Respondent No 2 rejected the claim of applicant vide letters dated 10.09.2021 and 15.12.2015 stating that son of the applicant has not paid premium amount from October 2014 to April 2015. Learned counsel for the applicant submitted that responsibility of deducting premium amount of Rs. 2,375/- lies with respondents concerned and son of the applicant was not at fault for non-payment of monthly premium amount. Learned counsel for the applicant pleaded that directions be issued to respondents to deduct premium amount of PLI from the

Individual Running Ledger Account (IRLA) of her son and death benefits of PLI be paid to the applicant.

4. On the other hand, learned counsel for the respondents argued that son of the applicant had taken a PLI Policy dated 07.10.2014. Son of the applicant nominated his mother Smt Geeta Devi as nominee in the said policy to claim benefits in the event of his death. Son of the applicant died due to road accident in an operational area. After death of her son Smt Geeta Devi, mother of the applicant submitted death claim documents vide letter dated 05.08.2015. On perusal of premium ledger for the said policy, it was revealed that premium for the period from Oct 2014 to May 2015 was not recovered by the PAO (OR), Pioneer Corps. Army Postal Service (APS) Directorate requested Senior Account Officer, PAO (OR) to recover monthly premium from IRLA of the son of applicant commencing from the month of Oct, 2014 till death of son of the applicant. However no recovery was made by PAO (OR). Learned counsel for the respondents submitted that under the provisions prescribed in Post Office Life Insurance Rules 2011, the claim of the applicant to grant death benefits of PLI policy became void due to non recovery of premium from Oct 2014 to May 2015. Learned counsel for the respondents pleaded that

applicant be directed to pay premium due from Oct 2014 to May 2015 to Army Postal Service (PLI Cell). On receipt of amount of premium due, Army Postal Service (PLI Cell) shall grant death benefits of PLI policy to the applicant.

5. Heard Learned counsel for the parties and perused the material placed on record. The question before us to decide is straight i.e. – is the applicant entitled for grant of PLI amount in case premium has not been paid?

6. In the instant case, it was responsibility of the PAO (OR), Pioneer Corps, to deduct the amount of premium from the IRLA of the son of applicant but PAO (OR) failed to do so. Further Army Postal Service (PLI Cell) also failed to notice that premium was not recovered by PAO (OR). Since son of the applicant is not responsible for the lapse in not paying premium, hence applicant is entitled for death benefits of PLI policy. The applicant can be granted death benefits of PLI policy only if premium due from the period from Oct 2014 to May 2015 is paid to PLI Cell, Army Postal Service. Since son of the applicant had died on 27.05.2015 and his IRLA has been closed, hence amount of premium due cannot be recovered from IRLA of the son of applicant as stated by learned counsel for both the parties. Applicant is directed to deposit cheque for premium

amount @ Rs 2,375/- per month from Oct 2014 to Apr 2015 to Army Postal Service Directorate (PLI Cell) and Army Postal Service Directorate, (PLI Cell) shall pay death benefits of PLI policy to the applicant.

7. As a result of foregoing discussion, the O.A. is **allowed**. Applicant is directed to deposit complete amount of premium due to Army Postal Service (PLI Cell) through cheque @ Rs. 2375/- per month from Oct 2014 to May 2015. The Army Postal Service (PLI Cell) will inform the applicant in whose name the cheque is to be made. On receipt of the cheque, Army Postal Service (PLI Cell) shall grant death benefits of PLI policy to the applicant along with @ 6% simple interest per annum from due date. The respondents are directed to complete the entire exercise within four months from the date of receipt of cheque. Default will invite additional interest @ 8% p.a.

8. No order as to costs.

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

Dated: 29 March, 2022
UKT/-