

**By Circulation**  
**Court No. 1**

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

**Review Application No. 70 of 2018**

**(Inre O.A. No. 298 of 2018)**

Monday, this the 12<sup>th</sup> day of November, 2018

**Hon'ble Mr. Justice S.V.S.Rathore, Member (J)**  
**Hon'ble Air Marshal BBP Sinha, Member (A)**

Smt. Jeewantee Devi,  
Mother of Late Rect. Rajoo Giree  
W/o Keshav Giree  
R/o Village & post – Bidori  
Tehsil – Sitarganj  
District – Udham Singh Nagar  
Uttarakhand

..... Applicant

By Legal Practitioner – Shri Kishore Rai  
Learned counsel for the Applicant

Versus

1. Union of India, Ministry of Defence,  
through its Secretary, South Block,  
New Delhi-110011.
2. P.C.D.A. (P) Draupadi Ghat, Allahabad, Uttar Pradesh
3. Addl Dte Gen Personnel Services, Adjutant General's Branch, IHQ  
of MoD (Army) Room No 11, Plot No – 108 (West), Brassey  
Avenue, Ghurge Road, New Delhi – 110011.
4. ASC Records (South) Bangalore – 560007.

.....Respondents

By Legal Practitioner – Shri Bhanu Pratap Singh,  
Learned counsel for the Respondents

**ORDER**

1. The applicant has filed this Review Application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008. The matter came up before us by way of Circulation as per provisions of Rule 18 (3) of the

Armed Forces Tribunal (Procedure) Rules, 2008. This application has been filed for review of order dated 20.09.2018 passed in O.A. No. 298 of 2018.

2. In the O.A., relief prayed by the applicant was for grant of disability pension to the son and also to grant ex-gratia lump-sum payment to the applicant on account of her son's disability and also for grant of disability pension. This Tribunal vide impugned order dated 20.09.2018 had granted the following relief :-

*“11. Accordingly the O.A. No. 298 of 2018 is **allowed**. The impugned orders passed by the respondents are set aside. The respondents are directed to grant disability pension to the applicant's son at the rate of 80% for life which shall stand rounded off to 100% for life from three years prior to filing of O.A. The O.A. was filed on 30.05.2018. The entire exercise shall be completed by the respondents within four months from the date of production of certified copy of this order failing which the applicant shall be entitled to simple interest @ 9% per annum on the amount accrued from due date till the date of actual payment.”*

3. As per the facts, son of the applicant was invalided out of service after rendering 03 years and 04 months of service and subsequently he was invalided out on 18.04.2013. On 10.07.2014, son of the applicant died, therefore, this Tribunal had granted above mentioned relief to the applicant. Keeping in view the facts that in case once disability pension is granted, then family pension was also to be granted by the respondents to the Next of Kin of the deceased soldier.

4. That apart, it is a settled proposition of law that the scope of the review is limited and until it is shown that there is error apparent on the face of record in the order sought to be reviewed, the same cannot be reviewed. For ready reference, Order 47, Rule 1 sub-rule (1) of the Code of Civil Procedure is reproduced below :-

**“1. Application for review of judgment.-** (1) any person considering himself aggrieved-

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.”

5. On perusal of the order, we do not find any mistake or error apparent on the face of record in the order to review the order passed in the O.A. Review Application is devoid of merits and is hereby **rejected**.

**(Air Marshal BBP Sinha)**

**Member (A)**

Dated : November, 2018

SB

**(Justice S.V.S. Rathore)**

**Member (J)**