

**E COURT****ARMED FORCES TRIBUNAL, REGIONAL BENCH,  
LUCKNOW****ORIGINAL APPLICATION No. 725 of 2020**

Thursday, this the 06<sup>th</sup> day of October, 2022

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

Smt Kaushalya Devi, wife of Late Chandra Devi Singh, Sepoy Army No 1431925, Resident of Village and Post-Muriyari, PS-Maniyar, District-Balia.

..... Applicant

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

Versus

1. Chief of the Army Staff, Integrated Head Quarter of the Ministry of Defence (Army), South Block, New Delhi-110011.
2. Integrated HQ of MoD (Army), Adjutant General's Branch, Addl General MP/8 (I of R), West Block, RK Puram, New Delhi.
3. Commanding Officer, Record Office Bengal Engineer Group, Roorkee.
4. P.C.D.A. (P), Draupadi Ghat, Allahabad (UP).

.....Respondents

Learned counsel for the : **Shri RC Shukla**, Advocate  
Respondents. Central Govt. Counsel

**ORDER (Oral)**

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

- (a) *The Hon'ble Court may kindly be pleased to issue order or direction to the opposite parties to provide liberalised family pension since death of her husband and ex-gratia amount to the applicant's husband who has been died on 18.09.1965 during Indo-Pak War since death of her husband to the applicant without further delay as per the Army Order provision. And further Hon'ble Court may also be pleased to direct authorities concerned for explanation why liberalised family pension and ex-gratia amount has not been provided to the applicant till yet.*
- (b) *To direct respondent to grant liberalised family pension from the death of her husband during Indo-Pak War 1965 till date only family pension as meagre amount as ordinary family pension about Rs 75/- has been paid till year of 2000 and afterwards Rs 2175/- per month has been paid by the respondent as letter dated 31.01.2001 Govt of India, Ministry of Defence has not been followed.*
- (c) *To direct respondent to grant ex-gratia grant of Rs 20,00,000/- to the applicant as per the govt policy on the subject.*
- (d) *To direct respondent No 3 to recommend and provide ex-gratia grant from the UP State Govt to the applicant as per policy on the subject.*
- (e) *To direct opposite party to provide explanation why liberalised family pension and ex-gratia amount has not been paid till date for that responsible authorities concerned should be penalised for their negligence towards widow of the martyrdom who is now old age of about 70 years facing acute financial crisis.*
- (f) *Any such other order or direction which this Hon'ble Court may deem fit and just may also be passed in favour of the applicant on the basis of circumstances of the case.*

2. Brief facts of the case are that applicant's husband was enrolled in the Army on 09.02.1963 and martyred on 17.09.1965 while fighting with enemy (Indo-Pak War 1965). Battle Casualty Report (BCR) to this effect was published vide Part-II Order No 24/16/1967. After death of her husband, being case of battle casualty, applicant was granted Liberalised Family Pension (LFP) vide PPO No F/322/1966 and she is in receipt of revised LFP through SBI, Sultanpur Balia, Account No 2376353556. Applicant has filed this O.A. for grant of LFP and ex-gratia amount.

3. Learned counsel for the applicant submitted that applicant's husband had joined the Army service on 19.02.1963 and he died during Indo Pak War-1965 on 18.09.1965. He further submitted that after death of applicant's husband she was provided with family pension @ Rs 75/- p.m. which was revised from time to time. His other submission is that in regard to payment of battle casualty pension the applicant submitted a representation dated 15.11.2017 followed by a reminder dated 27.10.2020 but till date no communication has been received from the respondents. It was further submitted that applicant deserves to be granted ex-gratia payment but the said amount has also not been paid since death of her husband in terms of Army Order 8/S/85 and 1/2003.

4. Learned counsel for the applicant further submitted that after death of her husband Shri (late) Lal Bahadur Shastri, the then Prime Minister of India had issued condolence letter mentioning that applicant's husband sacrificed his life for mother land but her husband's sacrifice has not been recognized by the Central Govt as well as State Govt. The learned counsel pleaded for grant of LFP and ex-gratia compensation to the applicant w.e.f. death of her husband.

5. On the other hand, learned counsel for the respondents submitted that applicant's husband martyred on 17.09.1965 during Indo Pak War-1965 and casualty to this effect was published vide Part-II Order No 24/16/1967 and accordingly, the applicant (Veer Nari) was granted Liberalised Family Pension vide PPO No F/322/1966 which she is in receipt of duly revised from time to time. It was further submitted that as per Govt of India, Min of Def letter dated 08.10.1996 ex-gratia compensation was first introduced in the Army w.e.f. 20.08.1993 which was made applicable to those personnel who died on or after 20.08.1993. He submitted that since applicant's husband got martyrdom on 17.09.1965, ex-gratia compensation is not applicable to the applicant. He pleaded for dismissal of O.A.

6. Heard Shri SK Singh, learned counsel for the applicant and Shri RC Shukla, learned counsel for the respondents and perused the record.

7. Applicant's husband, No. 1431925 (late) Ex Spr Chandra Deo Singh, was enrolled in the Army on 09.02.1963 and martyred on 17.09.1965 during Indo Pak War-1965. Accordingly, Part-II Order No 24/16/1967 to this effect was published and the applicant (Veer Nari) was granted Liberalised Family Pension vide PPO No. F/322/1966.

8. Respondents have placed on record bank statement of the applicant showing that on 31.12.2020 she was paid Rs 32,790.00 (Basic Pension) plus Rs 4,764.00 (Dearness Relief) (**total Rs 37,554.00**) towards her Liberalised Family Pension which by this time would have been enhanced to **Rs 45,250.00** as per prevailing dearness relief. Therefore, applicant's contention, that she is not in receipt of Liberalised Family Pension, is wrong.

9. As far as payment of ex-gratia compensation we find that the Govt of India, Min of Def had first introduced this compensation in the Army w.e.f. 20.08.1993 vide letter dated 08.10.1996 and it was made applicable to personnel who died on or after 20.08.1993. Since applicant's husband got

martyrdom on 17.09.1965, ex-gratia compensation is not applicable to the applicant.

10. In view of the above, the O.A. is **dismissed** being devoid of merit.

11. No order as to costs.

12. Pending application(s), if any, stand disposed of.

**(Vice Admiral Abhay Raghunath Karve)**  
**Member (A)**

Dated:06.10.2022

*rathore*

**(Justice Umesh Chandra Srivastava)**  
**Member (J)**