

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
CIRCUIT BENCH AT NAINITAL**

ORIGINAL APPLICATION No. 543 of 2020

Tuesday, this the 03rd day of August, 2021

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

Ajjudi Devi, M/o Shri Upendra Singh, R/o Village – Bigradi,
Tehsil – Badkot, District- Uttrakashi, Uttarakhand.

..... Applicant

Ld. Counsel for the: **Shri Kishore Rai, Advocate**
Applicant

Versus

1. Union of India, Ministry of Defence, (Army), through its Secretary, South Block, New Delhi-110001.
2. Principal Controller of Defence Accounts (Pension), Draupadi Ghat, Allahabad (U.P.)-211014.
3. Appellate Committee on First Appeals Dir PS-4, AG’s Branch, Army HQs, DHQ PO, New Delhi – 110011.
4. Senior Record Officer, Garhwal Rifles, C/o 56 APO, PIN-900400.

.....Respondents

Ld. Counsel for the Respondents. : **Shri Neeraj Upreti,
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). *A direction to grant the benefits to the applicant under AGI maturity benefits ex gratia account final settlement of account and other admissible dues such as family pension w.e.f. 23.06.2013.*
- (ii). *To summon the entire records of the applicant pertaining to computation of her admissible dues.*
- (iii). *Any other relief to which the applicant is found entitled may also very kindly be granted to the applicant.*

2. Briefly stated facts of the case are that son of the applicant No. 4091642Y Late Rifleman Rajesh Singh was enrolled in the Indian Army on 18.03.2009 and died on 23.06.2013 when he was posted at Counter Insurgency Area Kupwara. The son of the applicant was detailed as part of specific patrol to prevent probable infiltration by a group of terrorists in general area at the line of control. Son of the applicant was married to Smt Yojana, daughter of Shri Sukhdev Singh on 15.02.2013. Liberised family pension has been granted to applicant and Smt Yojana, widow of deceased late Rifleman Rajesh Singh in ration of 25% and 75% respectively. The applicant has filed instant original application seeking pensionary benefits including AGI maturity benefits, ex gratia account, final settlement of account and all other admissible dues.

3. Ld. Counsel for the applicant pleaded that name of the applicant is recorded as nominee in the records of her son. After the death of her son a sum of Rs 32,63,775/- were due to the applicant out of which 50% of the said amount is to be payable to the wife of her son namely Smt Yojana. Learned counsel for the applicant pleaded that applicant is entitled for grant of AGI maturity benefits, ex gratia account, final settlement of account and all other admissible dues.

4. On the other hand, Ld. Counsel for the respondents submitted that the 50% of AGIF was granted to Smt Yojana, wife of the deceased soldier and 50% of AGIf was granted to applicant, Smt Ajjudi Devi, mother of the deceased soldier. He further pleaded that as per rule liberalised family pension in ratio of 25% and 75% has been granted to mother and wife respectively. Rs. 8,393/- has been granted to wife of deceased soldier vide PPO No F/B/20095/2015 dated 21.12.2015 and Rs 2,798/- per month has been granted to Smt Ajjudi Devi, mother of deceased soldier vide PPO No F/B/20096/2015 dated 21.12.2015. He pleaded that in the facts and circumstances, as stated above, amount due to the applicant has been paid and nothing is due to her, hence Original Application deserves to be dismissed.

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

6. On careful perusal of the record, it has been observed that the applicant has been granted 25% liberalised family pension and 50% of death benefits from AGIF, the amount due to her as per rule position. She filed Civil Suit No 52/2016 before the District Court, Uttarakashi seeking pensionary benefits of her deceased son which was dismissed vide order dated 20.11.2019. As per rule full amount has been paid to the applicant and nothing is due to her.

7. In view of the above, the Original Application is devoid of merit and deserves to be dismissed. It is accordingly **dismissed**.

8. No order as to costs.

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

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

Dated : 03 August, 2021

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