

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

3.

MA 980/2023 IN OA 2656/2022

Gatam Devi W/o Applicant
Late Ex Hav Hamir Chand
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Virender Singh Kadian, Advocate

For Respondents : Mr. Prabodh Kumar, Advocate

CORAM

HON'BLE MS. JUSTICE ANJANA MISHRA, MEMBER (J)
HON'BLE LT GEN P. M. HARIZ, MEMBER (A)

ORDER
17.03.2023

MA 980/2023

This is an application filed by the respondents for modification of the order passed by this Tribunal on 22nd November, 2022. In view of the prayer, para 2,3,6 and 7 are modified to the extent indicated hereunder.

“2. In this OA, the applicant, widow of late Ex Hav Hamir Chand, is seeking a direction to the respondents to grant second service pension to her late husband for the service rendered by him in Defence Security Corps (DSC) by condoning the deficiency in qualifying service

and for grant of family pension based on her late husband's second service in the DSC.

3. It is the conceded position that the husband of the applicant was enrolled in DSC on 16.08.1997 and discharged on 30.04.2012 and there is a shortfall of 03 months 14 days of service against the mandatory 15 years of qualifying service, which made him ineligible for the second service pension for the service rendered with DSC.

6. Taking into account the aforesaid factual and legal aspects, we are of the considered view that the facts of this case are squarely covered by the decisions in *Bhani Devi* and *Smt Shama Kaur* (supra) and, therefore, the shortfall of less than one year (03 months and 14 days) to complete 15 years of qualifying service in DSC by the late husband of the applicant to get second service pension is liable to be condoned, which will enable the applicant also to get second family pension from the date on which her husband died.

7. The instant O.A is, therefore, allowed with the following directions:

- (i) The shortfall of less than one year (03 months and 14 days) of qualifying service for second service pension in respect of the late husband of the applicant is condoned;
- (ii) Subject to verification of records, the respondents are directed to issue a corrigendum PPO granting service pension for the service rendered by the late husband of the applicant in DSC with effect from 30.04.2012 till his death, i.e. 17.08.2021 and thereafter second family pension to the applicant with effect from 18.08.2021;
- (iii) The respondents are directed to calculate and pay the arrears of second service pension of the late husband of the applicant with effect from 30.04.2012 till his death on 17.08.2021;
- (iv) The respondents are further directed to calculate and pay the arrears of second family pension to the applicant with effect from 18.08.2021;
- (v) The respondents shall implement this order within four months from the date of receipt of a copy of this order. In default, the applicant will be entitled to interest at the rate of 6% per annum till payment.

This order shall form part and parcel of the order
dated 22nd November, 2022.

MA stands disposed of.

(ANJANA MISHRA)
MEMBER (J)

(P. M. HARIZ)
MEMBER (A)

vks/Priya