

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

10.

MA 2390/2024 with MA 2391/2024 in OA 2157/2022

Ex Sqn Ldr Priyanka Saxen Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. S S Pandey, Advocate
For Respondents : Mr. Anil Gautam Sr CGSC

CORAM

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

ORDER
02.07.2024

MA 2391/2024

MA 2391/2024 has been filed by the applicant seeking condonation of 330 days delay in institution of the application MA 2390/2024 is allowed and the delay is condoned. The MA 2391/2024 stands disposed of.

MA 2390/2024

2. MA 2390/2024 has been filed by the applicant seeking grant of leave to appeal against the order dated 18.05.2023 in OA 2157/2022 whereby vide para 23 thereof, it was directed to the effect :-

“23. We, therefore, direct the respondents to:

(a) Examine the necessity of having a suitable policy for women SSCOs who have since been released from service, and are widowed when their spouses serving in the Armed Forces die in harness, and they wish to

re-join the Services due to the compelling circumstances.

(b) In the light of the above, review the policy letter dated 30.11.2017 as applicable.

(c) File a compliance report within three months of this order, giving details of the decisions arrived at.

(d) The exercise as indicated in ‘(a)’ above be undertaken within a period of three months and in case the policy change accrues in favour of such a category, the benefit thereof be extended to this applicant.”

3. MA 3762/2023 is indicated to have been filed by the applicant seeking compliance of the said directions which application MA 3762/2023 was disposed of having become infructuous, in view of the short affidavit filed and the stand taken therein by the respondents. Vide the short affidavit filed by the respondents dated 26.03.2024, it was submitted as under :-

“7. From bare perusal of minutes of PPOC Minutes dated 19 March 2024, it emerges that having Tri-services implications, the forum discussed the need for formulation of policy for reinstatement of released woman SSCOs whose spouse died in harness and decided that existing policies on induction of widow of Armed Forces personnel is sufficient to cover all such cases and as such there is no need to formulate a new policy.”

with the same was also submitted the extract of the minutes of the PPOC MTG 01/2024 held on 27.02.2024 with the decision on item V with the discussion point at serial no. 21 which reads to the effect:-

“21. Chairman PPOC directed that as there is an existing policy on the subject of induction of widows of Armed Forces personnel into the Armed Forces, a separate policy is not needed on the subject”

4. On a consideration of the record, we do not consider it appropriate to grant of the prayer made by the applicant seeking grant of leave to appeal against the order dated 18.05.2023 in OA 2157/2022 in view of the verdicts of the Hon’ble Supreme Court in Court in *Ex Lac Yogesh Pathania vs. Union of India & Ors.* (2019) 4 SCC 311 and *Union of India & Ors. vs. Parashotam Dass* in Civil Appeal No. 447 of 2023 as there is no question of law of general public importance involved in the matter. The prayer is declined.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN P. M HARIZ)
MEMBER (A)

Yogita