

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

13.

OA 659/2017 with MA 559/2017

Smt Kamlesh Devi ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. V S Kadian, Advocate  
For Respondents : Mr. YP Singh, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)  
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

**ORDER**  
**13.09.2023**

The respondents are directed to produce the Court of Inquiry proceedings *qua* the applicant on the next date of hearing. Furthermore, on behalf of the applicant, a copy of letter dated 19.08.2019 issued by the Principal Controller of Defence Accounts(Pensions), Allahabad has been submitted wherein it has been stated vide Para 3 & 4 thereto the effect:

“3. The issue regarding extending the admissibility of SFP/LFP as dual family pension in case of death attributable to military service is under consideration to Govt. It is now clarified vide Govt. of India, Ministry of Defence letter No.PC.2(6)/2013-D(Pen)/Pol) dated 08.07.2019 that the provision of two family pensions, one in respect of military/civil service and SFP/LFP for re-employed military service is also applicable.SFP/LFP, if any, would be admissible in terms of GoI, MoD letter

No.1(2)/97/D(Pen-C) dated 31.01.2001 on death of a pensioner who was re-employed in military service and if his death is attributable to military service, in addition to ordinary family pension in respect of previous military/civil service with following conditions.

a) Where, however, on death of the re-employed ex-serviceman if the family is eligible for SFP/LFP for first service family pension for second spell of service would be OFP.

b) Special family pension/liberalized family pension shall be granted only in respect of one service and in no case, SFP/LFP will be granted for both the services.

4. The financial benefits in the past cases will accrue with effect from 24.09.2012.”

2. It is further submitted on behalf of the applicant that it has been informed by the son of the applicant that the applicant has since been receiving an amount of Rs.18,700/-p.m.from the Army and Rs.18,700/-p.m. from the DSC towards pension but seeks to ascertain whether the dual family pension has thus been paid to the applicant. The respondents shall also ascertain the said aspect. It is also submitted by the learned counsel for the applicant that an amount of Rs.2.5 lakh has also been received by the applicant. The respondents shall also ascertain towards what that amount has been credited in the account of the applicant.

3. Re-list on 31.10.2023.
4. A copy of this order be given Dasti to the respondents.

**(JUSTICE ANU MALHOTRA)  
MEMBER (J)**

**(REAR ADMIRAL DHIREN VIG)  
MEMBER (A)**

CHANANA