

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

32.

OA 875/2019

Smt Subhasini Behera W/o Late No K Nk/MT
Sudarshan Behera Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Anil Srivastava, Advocate
For Respondents : Ms. Jyotsna Kaushik, Advocate
Maj A.R. Subramaniam, OIC, Legal Cell

CORAM

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

ORDER
03.04.2024

Submissions have been addressed on behalf of either side.

2. Learned counsel for the applicant submits that the prayer made through the present OA is confined to seeking the grant of Special Family Pension and that the prayer for the grant of Ex- gratia payment is not pressed.

3. Pursuant to directions dated 28.11.2023, the respondents have produced the Court of Inquiry proceedings which are taken on record. The posting profile of the applicant has been submitted on the record by the respondents vide the communication dated 29.12.2023 and in reply to specific Court query, it is informed on behalf of the respondents by Major A. R. Subramaniam, OIC Legal Cell to the effect that the applicant from the period 23.02.1994 till

his demise on 04.07.1996 was posted in the Unit 5104 ASC Bn (MT) which had a posting type of both CIOps and peace areas.

4. The copy of the Post Mortem Report has been submitted by the respondents with it having been submitted that they are not in possession of the original. The original post mortem report as per the letter dated 28.11.2023 had been submitted to their office by the letter no. 13867658/Task-II/51/FP dated 15.04.1997.

5. It is also submitted on behalf of the respondents that the copies of the RMB proceedings have submitted and that the respondents are not in possession of the original.

Heard.

Reserved.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

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