

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

22.

OA 476/2018 with MA 984/2019

Smt. Shanti Devi W/O Late Sigmn Ram KwarApplicant

Versus

Union of India &Ors.

.....Respondents

For petitioner

: Mr. B.P.Vaishnav, Advocate

For respondents

: Mr. J.S.Rawat, Advocate

CORAM:

HON'BLE MS.JUSTICE SUNITA GUPTA, MEMBER (J)

HON'BLE AIR MARSHAL B.B.P.SINHA, MEMBER (A)

ORDER

30.08.2019

MA 984/2019

Vide this application, applicant seeks condonation of delay of 7 days in filing counter-affidavit.

2. In view of the averments made in the application, delay of 7 days in filing the counter affidavit is condoned. Same is taken on the record. MA stands disposed off.

OA 476/2018

By virtue of this OA, the applicant claims family pension from the next date of the death of her husband, i.e., till 23.09.2012 and reliance has been placed on the orders passed by this Tribunal in OA 340/2013 and OA 338/2013.

2. Counsel for the respondents however, submits that as per the Government of India, Ministry of Defence letter dated 17.01.2013, dual family pension scheme has been introduced and widows of family pensioners are entitled dual benefits w.e.f. 24.09.2012 which has been granted to the applicant

3. It is submitted that letter cannot be given retrospective effect. In the orders cited by counsel for the applicant, this letter has not been considered, as such counsel for the applicant seeks time to cite certain judgments, where despite this letter issued by Ministry of Defence, retrospective effect has been given to the letter.

4. On his request, list for hearing on **28.02.2020**.

(JUSTICE SUNITA GUPTA)
MEMBER (J)

(AIR MARSHAL B.B.P.SINHA)
MEMBER (A)

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