

COURT NO. 1  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

86.

OA 1021/2021 with MA 987/2021

Janki Devi W/o Late Shri Mangla Nand ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. P K Sinha &  
Mr. Umesh Chand, Advocates

For Respondents : Ms. Jyotsna Kaushik, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER  
29.01.2025

In this case the applicant, a widowed lady is claiming benefits of additional pension on account of service rendered by her husband, Late Shri Mangla Nand in the Indian Army in the pre-independence period.

2. Records indicate that Late Shri. Mangla Nand was enrolled in the British Army on 18.03.1941 and discharged from service on 15.05.1946. At the time of independence when the British Army was taken over and became the Indian Army, late Sh. Mangla Nand was not a member of the Indian Army. According to the material available on record, Late Mangla Nand was directly enrolled into the Indian Army in

the 111 Infantry Battalion on 23.02.1957, i.e., 11 years after the Indian Army was formed after independence in 1947.

3. The issue before us is as to whether the service rendered by the Late Mangla Nand in the British Army from 18.03.1941 to 16.05.1946 can be counted as service rendered for the purposes of grant of additional pensionary benefits now to the widowed lady.

4. The respondents have not indicated any rule, regulation or policy based on which the service rendered in the British Army after independence is to be treated in the Indian Army, rules/regulations for absorption etc. That apart, in the peculiar facts and circumstances of the case, whether there is any provision for counting service rendered by Late Mangla Nand in the British Army as service rendered for the purposes of granting additional pensionary benefits. All these issues are neither addressed in the counter affidavit nor is any rule, regulation or policy is brought on record with regard to the manner in which the aforesaid case is to be resolved.

5. Before proceeding in the matter, we want respondents to clarify all these issues and bring the relevant policies, circular on record in the matter. That apart, respondent should also clarify on what basis they have indicated in the

counter affidavit that in absence of Option Form, the applicant's husband's former service cannot be counted for pensionary benefits. Based on what policy respondents have made such a statement in the affidavit. Any policy, instructions, circular or army order etc. available in this regard should be brought on record. Four weeks' time is granted to do so.

6. List the matter again on 5<sup>th</sup> March, 2025 as **Part Heard**.
7. Let a copy of this order be provided *DASTI* to learned counsel for the parties.

**[JUSTICE RAJENDRA MENON]  
CHAIRPERSON**

**[RASIKA CHAUBE]  
MEMBER (A)**

**Priya  
OA 1021/2021**