

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

1.
OA 1067/2017 with MA 809/2017

Smt. Indira Othiyil **Applicant**
Vs
UOI &Ors. **Respondents**

For Applicant : Mr. VS Kadian, Advocate
For Respondents : Mr. Praneet Ranjan, Advocate

CORAM:
HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT. GEN SANJIV LANGER, MEMBER (A)

ORDER
17.01.2018

1. Heard.
2. Issue notice.
3. Learned counsel for the respondents states that the record of the case has already been destroyed by the Board of Officers in terms of relevant Rules/Regulations applicable to preservation of Army Record and at the moment only a long Roll of the deceased official is available.
2. It is not in dispute that the applicant had rendered almost 10 years of service with the respondents after which he was invalidated out from service on account of SHIZOPHRENIA disease. It has been stated by the learned counsel for the respondents that SHIZOPHRENIA was acquired by the deceased husband of the applicant on account of military service and therefore, whatever amounts were admissible to the applicant were given to him.
3. We prime facie are unable to agree with the defence of the learned counsel for the respondents. Let respondents to file reply affidavit to the OA within four weeks with advance copy to the learned counsel for the applicant. Rejoinder, if any, may be filed within two weeks thereafter.

4. It is made clear that, in case, the reply affidavit is not filed within the stipulated time, the Tribunal will be forced to pass the order on the basis of documents available on record.

5. List on **23.03.2018**.

(JUSTICE V.K.SHALI)
MEMBER (J)

(LT. GEN SANJIV LANGER)
MEMBER (A)

17.01.2018/chanana