

**IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT
NEW DELHI**

TA No. 268/2010

[W.P. (C) No.17321/2006 of Delhi High Court]

Mrs. Kiran Dalal

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh.Ravindra Bana, Advocate

For respondents: Ms.Jyoti Singh, Advocate with Sq Ldr Ashish
Tripathi

CORAM:

**HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.
HON'BLE LT. GEN. S.S. DHILLON, MEMBER.**

**ORDER
04.02.2010**

1. The present petition has been transferred from
Hon'ble Delhi High Court to this Tribunal on its formation.

2. Petitioner who is a widow of Sqn. Ldr. B.S. Dalal, who
expired on account of Snake bite during the Operation Prakaram

and his widow was granted a special family pension but she has made a grievance that since her husband has expired in Operation Prakaram which is considered to be a notified Operation, she is entitled to the benefit of liberalised family pension. Air Forces Authorities have highly recommended for the same but due to some technical reason the Ministry has turned down the recommendation. It is no gainsaying that any injury in the Operation Prakaram is treated as war injury and in the present case petitioner has not received injury actually during the Operation Prakaram but received injury on account of Snake bite while on duty. Therefore, Authorities should have considered the matter sympathetically and awarded to the widow a liberalised family pension.

3. Though the respondents have contested in their reply but we are of the opinion that since the incumbent has died during the Operation Prakaram by Snake bite while on duty, he should be treated as war casualty and petitioner/widow of incumbent is entitled to liberalised family pension. Let the liberalised family pension may be given to the petitioner and the same should be

worked out and paid to the petitioner with interest @ 12% per annum. This whole exercise should be completed within three months from today.

4. Petition is allowed accordingly. No order as to costs.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
February 04, 2010.