

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

T.A. No.485/2010

[W.P. (C) No. 10338/09 of Delhi High Court]

Smt. Laxmi Devi

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. M.K. Gaur, Advocate.

For respondents: Sh.Ankur Chibber, Advocate with Capt
Alifa Akbar.

CORAM:

**HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.
HON'BLE LT. GEN. M.L. NAIDU, MEMBER.**

ORDER
28.04.2010

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

2. Petitioner is the wife of deceased Rifleman Chander Singh Rawat. He expired on 10.07.1992. He was in receipt of

pension. After his death, the family pension was divided 50-50% between petitioner and step son Sh.Rajab Singh Rawat but Sh.Rajab Singh Rawat never sent the required pension papers. Sh.Rajab Singh Rawat attained the age of 25 years on 10.08.2000 and the second eligible daughter of deceased was also married on 04.05.2001. Since, all the son and daughter who have now been become ineligible for pension of the deceased husband of petitioner, therefore, petitioner has filed the present writ petition before the Hon'ble Delhi High Court which has been transferred to this Tribunal after its formation praying that full family pension i.e. 100% may be released to her as she is sole survivor of her late husband Rfn. Chander Singh Rawat.

3. Respondents filed the reply wherein they also pointed out that since step son has already attained the age of 25 years on 10.08.2000 as such he is not entitled to share in family pension and second eligible daughter also married on 04.05.2001, therefore, now only eligible to get full family pension of the deceased Rfn. Chander Singh Rawat is his wife.

4. In this view of the matter, respondents are directed to release full family pension to the widow of deceased Rfn Chander Singh Rawat as she is sole survivor of deceased incumbent from 04.05.2001 onwards. Let the respondents may work out the amount of family pension along with arrears and pay the same to the petitioner with three months from today. The arrears shall carry the interest @12% per annum.

5. The petition is accordingly allowed with no order as to costs.

A.K. MATHUR
(Chairperson)

M.L. NAIDU
(Member)

New Delhi
April 28, 2010.