

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

09.

O. A. No. 19 of 2011

Smt. Aan Kaur

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. S.R Kalkal, Advocate.

For Respondents: Sh. Anil Gautam, Advocate.

CORAM:

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

ORDER  
02.11.2011

1. Petitioner by this petition has prayed that the Respondents may be directed to released invalid pension from the date of invaliding out of the Petitioner with arrears and 9% interest thereupon and further direct the Respondents to release the family pension to the Petitioner with effect from date of death of her late husband and issue directions to pay compensation of Rs.5 lakhs to the Petitioner for withholding the legal entitlement of Petitioner's husband.

2. Petitioner is the widow of the deceased Swr. Ganpat No. 1013465 who was enrolled in the Army on 3<sup>rd</sup> June 1941 and was discharged on 30<sup>th</sup> June 1955 after putting in 14 years and one month service. Deceased husband of the Petitioner moved for grant of a disability pension but his claim was rejected way back in 19<sup>th</sup>/20<sup>th</sup> September 1955. Thereafter Petitioner seems to have not taken any step till a legal notice was issued somewhere in December 2005. Thereafter Petitioner

approached Hon'ble Delhi High Court and the Hon'ble Delhi High Court directed the Petitioner to make an appropriate representation to the Respondents and the Respondents shall dispose of the representation within a period of three months thereafter. It was also made clear that in case Petitioner is entitled to invalidment pension the same may be given but no arrears should be given as she has approached the Court belatedly. In pursuance of the directions of the Hon'ble Delhi High Court the Respondents passed a detailed order. One of the reasons given by the Respondents in the reply was that the husband of the Petitioner was discharged way back in 1955 and at that time the Pension Regulations of 1940 were in force and as per the Pension Regulations of 1940 there was no provision for grant of an invalidment pension. So far as the disability pension was concerned that was disposed of in 1955. Now the Petitioner has again picked up the issue and in pursuance of the directions given by the Hon'ble Delhi High Court the Respondents have disposed of the representation. The Respondents have replied that all the records pertaining to the husband of the Petitioner have been destroyed and Petitioner's husband was specifically told way back in 1955 that you are not entitled to disability pension and no claim for invalidment pension was at that time invoked because of the fact that in Pension Regulations of 1940 there was no such provision for invalidment pension. Therefore the authorities have rejected the claim of the Petitioner after passing a detailed speaking order.

3. We have heard learned counsel for the parties and perused the records ourselves.

4. We find that there is no provision of invalidment pension in Pension Regulations of 1940. Hence, we do not find any merit in this petition and same is dismissed with no order as to costs.

**A.K. MATHUR**  
**(Chairperson)**

**S.S DHILLON**  
**(Member)**

**New Delhi**  
**Nov 02, 2011**  
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