

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

11.

O.A.No. 362 of 2010

Smt. Savesh Devi

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. K.K. Sharma proxy counsel for Sh. D.N.Sharma, Advocate.
For respondents: Sh Ankur Chhibber, Advocate with Capt. Alifa Akbar.

CORAM:

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

**O R D E R
07.02.2011**

1. Petitioner by this petition has prayed that the respondents may be directed to furnish copy of proceedings of Inquiry leading to death of applicant's husband on the basis of which her entitlement for grant of Special Family Pension may kindly be ordered by the Court. Petitioner also submitted that the authorities are lingering on her case of compassionate appointment and she also claimed an ex gratia compensation to the extent of Rs. 10 lakhs.

2. Petitioner is wife of the deceased Devendra Singh who was inducted into service in the Army on 3rd January 2001 and he committed a suicide on 12th June 2008 by shooting himself at unit location in his stomach. Petitioner's wife was released ordinary Family Pension but was not granted a Special Family Pension

and, therefore, she made a representation but without any result and ultimately she was driven to file the present petition.

3. A reply has been filed by the respondents and copy of the report of the inquiry has also been given to learned counsel for the respondents. Respondents in their reply has stated that petitioner's husband has committed a suicide, therefore, she is not entitled to a Special Family Pension.

4. We have heard learned counsel for the parties and perused the record.

5. The original Court of Inquiry report has also been placed before us and it has clearly been mentioned by the eye-witnesses that the husband of the petitioner committed a suicide by firing a gun in his stomach. This is a finding of fact on a Court of Inquiry ordered by the GOC 33, Armoured Division. Since this is a case of suicide, therefore, the petitioner is not entitled to Special Family Pension. Special Family Pension is governed by the provisions of Regulation 213 which reads as under:

"A Special Family Pension may be granted to the family of an individual if his death was due to or hastened by:-

(a) A wound, injury or disease which was attributable to military service; or

(b) The aggravation by military service of a wound, injury or disease which existed before or arose during military service."

6. In case a person dies out of wound, injury or disease which is attributable or aggravated by military service then the wife of the deceased is entitled to Special Family Pension but in the present case after going through the findings of the Court

of Inquiry it remains no doubt in our mind that her husband committed a suicide by shooting himself on the Guard duty on the relevant date in his stomach as such petitioner is not entitled to Special Family Pension.

7. Consequently, we do not find any merit in the petition and it is dismissed with no order as to costs. However, so far as the compassionate appointment is concerned, the authorities shall consider the case of the petitioner for compassionate appointment as per the rules bearing on the subject and she shall be informed about the result thereon.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
February 07, 2011