

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

06.

O. A. No. 478 of 2010

Smt. Basanti

.....Petitioner

Versus

Chief of Army Staff

.....Respondents

For petitioner: Sh. J. C. Vashista, 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
07.07.2011

The petitioner, by this petition has prayed that respondent nos. 2 and 3 be directed to make immediate payment of family pension as sanctioned in favour of the petitioner. She has also prayed that the directions be issued to make payment of interest at the rate of 18% per annum on arrears of pension of the petitioner w. e. f. 6.3.1998 till realization. She has also prayed that the respondents may be directed to make immediate payment of arrears of pension granted vide PPO No. S/20592/1975 w. e. f. 1.12.1975 in respect of the deceased husband of the petitioner Sh. Nahar Singh Verma.

2. The petitioner is the widow of deceased Nahar Singh Verma who was sanctioned service pension by respondent no. 3 vide Pension Payment Order No. S/20592/75, but unfortunately, Sh. Nahar Singh Verma died on 5.3.1998. it is

submitted that despite all efforts made by deceased Nahar Singh Verma, he was not paid any pension during his life time. The petitioner requested intervention of various authorities but it did not fructify any benefit to the petitioner. It is submitted that papers with regard to the pension were sent by respondent no. 2 to DPDO Red Fort with specific instructions that in case the original PPO is missing, DPDO will submit written request for duplicate copy of the same. However, so far as family pension is concerned, learned counsel for the petitioner appearing before us has admitted that the same has been released to her. Therefore, we need not go into that question of family pension. Learned counsel for the petitioner has submitted that so far as pension of deceased Nahar Singh Verma is concerned, the same was not paid to him from the date he retired and till the time he died i. e. 5.3.1998. The grievance of the petitioner, in short, is that the petitioner's husband was discharged on 30.11.1975 and died on 5.3.998, he was not released the pension as per the PPO issued. Therefore, she has filed this petition for both reliefs i. e. release of family pension and arrears of pension of her deceased husband.

3. A reply has been filed by the respondents and the respondents have contested the matter and submitted that so far as grant of family pension is concerned, the same has already been released to the petitioner and it has been admitted by learned counsel for the petitioner. Therefore, now the only question is with regard to payment of arrears of pension w. e. f. 1975 onwards as per PPO No. S/20592/1975. Learned counsel for the respondents has opposed this prayer stating that the husband of the petitioner died in 1998 and now she has claimed the arrears of pension of her deceased husband in 2010. Meanwhile all the records have already been weeded out. He has also pointed out that all records of pension

of GPO, New Delhi were transferred to DPDO I, Red Fort and the Post Master, GPO, New Delhi has informed that no record pertaining to the pension of the petitioner is available. Thereafter, the DPDO I, Red Fort was approached and the DPDO I, Red Fort has also confirmed that no such amount of pension in pursuance of the aforesaid PPO was paid to the deceased husband of the petitioner Sh. Nahar Singh Verma from their Office. All this record was transferred to Red Fort In 1984. Therefore, from 1984, no pension was paid under this PPO by DPDO I, Red Fort, Delhi. Though the petition is extremely belated but looking to the case of the widow of a deceased soldier, we are inclined to think that her husband did not get the pension at least from 1984 when the DPDO, Red Fort has informed that no such pension has been released nor arrears have been paid by them. Therefore, having regard to facts and circumstances of the case, we direct the respondents that arrears of payment of pension of deceased Nahar Singh Verma be worked out from 1984 till 5.3.1998 and be paid to the petitioner. However, the family pension to the petitioner w. e. f. 6.3.1998 has already been paid. The arrears may be worked out within a period of three months and released to the petitioner forthwith. Since the petition has been filed in 2010 and it is an extremely belated petition, therefore, we are not inclined to grant any interest on this amount.

4. The petition is disposed of accordingly. No order as to costs.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
July 07, 2011