

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

O.A.No. 536 of 2010

Smt. Pushpa Devi

...Petitioner

Versus

Union of India & Anr.

...Respondent

**For the Petitioner : Sh.V.K.Sharma, Advocate,
Proxy Shri D.N.Sharma**

For the Respondents: Shri AnkurChibber, Advocate

C O R A M:

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

**ORDER
03.02.2011**

1. Petitioner by this petition has prayed that respondent the Managing Director, Army Group Insurance Fund, New Delhi be directed to settle payment of insurance amount of Rs.1,50,000/- to the applicant without delay with penal interest @ 15% for the period of delay from 22.09.2009

till date of actual payment and also prayed respondent No.3 to 5 may be directed to pay penal interest @ 15% on the family pension w.e.f.22.03.2003 to 23.03.2010 because of unreasonable delay for more than 7 years from the respondent and petitioner suffered unprecedented hardship.

2. Petitioner's husband Nk No.14489835 Berendra Singh of Artillery, retired from Army Service on 01.01.2001 after rendering 17 years of service and he was drawing a pension from 18.01.2001. Petitioner's husband was found missing on noon of 18.10.2001, a search was made to find out but he was not traceable, therefore, a FIR was lodged on 18.11.2001 with the Police Post Krishna Nagar, Thana Kotwali, Mathura apprehending that he has been kidnapped by some people. In this context, she made an application to Record Office to release Family Pension in her favour. She has joint account maintained in the State Bank (Main Branch), Mathura. The Record Office on 19.10.2002 advised her

to submit a copy of the FIR and Final Investigation Report from concerned police station. The copy of the FIR, the Final Investigation Report and an Affidavit sworn before Magistrate of missing and Indemnity Bond duly filled and signed were sent to the authorities on 05.02.2003. The Record Office thereafter advised the applicant to furnish the Indemnity Bond signed / attested by and Executive Magistrate and it was further reported that Final Investigation Report, duly attested also be sent.

3. The applicant submitted Final Investigation Report in respect of her husband on 29.07.2003 and despite completing all necessary formalities, the Family Pension was not released to the petitioner for good seven years. Thereafter, she gave a legal notice through her counsel which was replied on 25.05.2009 by the Record Office that papers has been sent to the Principal Controller of Defence Accounts (P) Allahabad and ultimately applicant received the order dated 24.08.2009 from PCDA,

Allahabad, sanctioning the Family Pension @ Rs.1275/- pm (w.e.f 18.11.2001 to 31.12.2005) and Rs.3500/- (wef 01.01.2006). Therefore, the petitioner has claimed that her husband died and all the papers were submitted to the respondent on 22.03.2003, but pension has been released to the petitioner on 23.03.2010, after the delay of 7 years, therefore, she is entitled to the penal interest.

4. A reply has been filed by the respondent and respondent contested the position and it has been admitted the factual aspect and also admitted that amount was released to the petitioner. But justification was sought to be made that proper papers were not completed by the petitioner and its final investigation report was obtained from the police which was forwarded by petitioner vide her petition dated 12..02.2009 after gap of 6 years.

5. We heard learned counsel for the parties and perused the record.

6. It is a matter of great regret that the pensions of widows are dealt in such a lack deistical manner. When petitioner has completed all the papers and sent to the respondent i.e. FIR, investigation report and duly filled in Indemnity Bond, we fail to understand that why the sanction of pension was delayed and so much so when she has also sent the final investigation report in respect of her late husband on 28.08.2003, we don't understand why more than 7 years has taken place when she actually got the amount in March, 2010. This appears to be very hard case in which very casual attitude has been taken by the respondent. This is not the first case, we have come across, number of cases in which pension of the Army Jawans or their widows are being dealt with utmost lethargic manner without realising the plight of such widows and persons who have retired from army service. In number of the cases we have tried to emphasise on the respondent that a proper machinery should be evolved which can look to the interest of these persons of not getting their pension in time. It should be

made the responsibility of the unit from where the incumbent has retired to see that all the papers are completed in time. This job should be entrusted to the Commanding Officer of the Unit that in such cases a special care should be taken or a services of the special messenger should be undertaken so that the papers can be chased up from table to table. In such a economic hard times to deprive a person of his pension for a long period of 6 or 7 years most unfair attitude on the part of the respondent. It is high time that a proper attention should be paid to this area by evolving some machinery so that such war widows or such Jawans retired after giving their flesh and blood to the nation, should get their due in time.

7. In the present case, in hand it is shocking the widow is going from pillar to post and completed all the formalities, despite that she had to wait for 7 years to get her due. There cannot be a worst case than this where insensitivity has been shown by the respondent. The

respondent has now released money which she got it in March, 2010, therefore, she is entitled to interest on the belated payment on sum of Rs.2,42,795/- from 23.08.2003 till she got the actual amount i.e.23.03.2010 interest @ 12%. The interest should be worked out and the amount may be released to her.

8. So far as her insurance matter is concerned which is lying with the Army Group Insurance Fund, New Delhi which is not amenable to jurisdiction of this Tribunal, however, a copy of this order may be sent to the Managing Director, Army Group Insurance Fund, New Delhi requesting him to expedite the release of the payment due to the petitioner, if not released.

9. Petitioner is entitled to a cost of Rs.50,000/- and this amount should be recovered from the person who is responsible for not releasing the amount of pension due to the petitioner in time.

10. The interest and the cost of Rs.50,000 shall be released to the petitioner within three months from the date of receipt of copy of this order.

11. The petition is allowed and no order as to costs.

[Justice A.K. Mathur]
Chairperson

[Lt. Gen. SS DHILLON]
Member (A)

New Delhi
30th February, 2011