

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

9.

MA 1425/2023 IN OA 2782/2022

Rajammal Wd/o Ex L/Nk Govindan Applicant
VERSUS

Union of India and Ors. Respondents

For Applicant : Mr. Raj Kumar, Advocate

For Respondents : Mr. Rakesh Dhawan, Advocate
Maj Sridhar J, OIC, Legal Cell

CORAM

HON'BLE MS. JUSTICE ANJANA MISHRA, MEMBER (J)
HON'BLE LT GEN P. M. HARIZ, MEMBER (A)

ORDER
11.04.2023

MA 1425/2023

This is an application filed by the respondents for modification of the order passed by this Tribunal on 6th December, 2022. In view of the prayer, para 2,2,5 and 6 are modified to the extent indicated hereunder.

“2. In this OA, the applicant, widow of late Ex L/Nk Govindan, is seeking a direction to the respondents to grant second service pension to her late husband for the service rendered by him in Defence Security Corps (DSC) by condoning the deficiency in qualifying service

and for grant of family pension based on her late husband's second service in the DSC.

2. It is the conceded position that the husband of the applicant was enrolled in DSC on 17.08.1983 and discharged on 31.01.1998 and there is a shortfall of 197 days of service against the mandatory 15 years of qualifying service, which made him ineligible for the second service pension for the service rendered with DSC.

5. Taking into account the aforesaid factual and legal aspects, we are of the considered view that the facts of this case are squarely covered by the decisions in *Bhani Devi* and *Smt Shama Kaur* (supra) and, therefore, the shortfall of less than one year (197 days) to complete 15 years of qualifying service in DSC by the late husband of the applicant to get second service pension is liable to be condoned, which will enable the applicant also to get second family pension from the date on which her husband died.

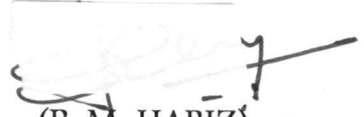
6. The instant O.A is, therefore, allowed with the following directions:

- (i) The shortfall of less than one year (197 days) of qualifying service for second service pension in respect of the late husband of the applicant is condoned;
- (ii) Subject to verification of records, the respondents are directed to issue a corrigendum PPO granting service pension for the service rendered by the late husband of the applicant in DSC with effect from 31.01.1998 till his death, i.e. 17.11.2017 and thereafter second family pension to the applicant with effect from 18.11.2017;
- (iii) The respondents are directed to calculate and pay the arrears of second service pension of the late husband of the applicant with effect from 31.01.1998 till his death on 17.11.2017;
- (iv) The respondents are further directed to calculate and pay the arrears of second family pension to the applicant with effect from 18.11.2017;
- (v) The respondents shall implement this order within four months from the date of receipt of a copy of this order. In default, the applicant will be entitled to interest at the rate of 6% per annum till payment.”

This order shall form part and parcel of the order
dated 6th December, 2022.

MA stands disposed of.


(ANJANA MISHRA)
MEMBER (J)


(P. M. HARIZ)
MEMBER (A)

vks/Priya