

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

31.

MA 3209/2024 in OA 1050/2018

Smt. Chhoti Devi W/o
Late CHWM Kapur Singh Kadian Applicant
Versus Respondents
Union of India & Ors.

For Applicant : Mr. Ajit Kakkar, Advocate for
Mr. BP Vaishnav, Advocate

For Respondents : None

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
08.08.2024

This application has been filed by the applicant under Rule 25 of the Armed Forces Tribunal (Procedure) Rules, 2008 seeking amendment/modification in the order passed on 31.05.2024 in OA 1050/20218. It is stated that in Para 4 and 9, there are some typographical error in the order dated 31.05.2024 in as much as in para 4, the date mentioned as 24.09.2014 is incorrect. Instead the correct date is "20.09.2012". Further, in Para 9, the datae from which the respondents are directed to grant Ordinary Family Pension to the appliant is "27.07.2001" whereas it was wrongly mentioned as 27.07.2021.

We have seen the order in question and we find that there are typographical errors in the order dated 31.05.2024 as mentioned above. Accordingly, we allow the instant application

and direct that Para 4 and 9 of the order dated 31.05.2024 passed in OA 1050/2018 be read as under:-

“4. As per respondents, it is important to note that prior to 24.09.2012, the Government of India’s policy only allowed for one family pension, and the family pensioner could choose whichensio was more beneficial to them individually. In this particular case, Ms. Chhoti Devi, the widow of the late appicant, stated in her representation dated 08.03.2013, that she opted for the civil side family pension due to its advaanageous nature, and she has been receiving it since then. It should be emphasized that the government approved dual family pension effect 24.09.2012 as per ‘MOD’ letter No. 01(05)/2010-D (pen/policy) dated 17.01.2018. Consequently, she was granted dual family pension starting from 24.09.2012, as indicated in Pension Payment Order (PP) No. F/NA/0569/2014 dated 10.11.2014.”

“9. In view of the aforesaid analysis we are of the opinion that the applicant is entitled for grant of ordinary family pension from the Indian Navy w.e.f. 27.07.2001 in view of the judgment of Hon’ble Delhi High Court in *Suman Naruka (supra)* and therefore we direct the respondents to grant the Ordinary

Family Pension to the applicant starting from 27.07.2001. The arrears shall be credited within three months from the date of pronouncement of this order. No deductions shall be made from the applicant's pension and any amount already deducted shall be reimbursed to the applicant withi three months from date of pronouncement of this order."

With the aforesaid modifications, MA No. 3209/2024 stands disposed off.

This order shall be read conjointly with the original order passed on 31.05.2024 in OA No. 1050/2018.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

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