

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

OA 1100/2023

Smt Bacholi Devi Alias Bach ... Applicant
W/o Ex Sep Late Chintamani Chamola
Versus
Union of India & Ors. ... Respondents

For Applicant : Mr. J.P. Sharma, Advocate
For Respondents : Mr. Arvind Kumar, Advocate

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER

Invoking the jurisdiction of this Tribunal; under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this application for non-grant of dual family pension by the Respondents from the next date of death of the husband of the applicant.

2. As per the counter affidavit filed by the respondents dated 19.04.2024, the husband of the applicant, Ex Sep (Late) Chinta Mani was enrolled in the Indian Army on 12.12.1944, transferred to reserve establishment on 31.10.1954 and was discharged on 20.12.1959. Subsequently, he was enrolled in DSC on 25.01.1961 with his former service being counted towards DSC service and thereafter, he was discharged from DSC Service

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on 24.01.1970 with an aggregate qualifying service of 18 years, 10 months and 21 days, which includes both spells of service, for which he was granted Service Pension vide PPO No. S/6847/70. He passed away on 07.11.1987 and the applicant was granted Family Pension vide F/NA/3283/1989.

3. It is the contention of the applicant that the Respondent's failure to grant the applicant a dual family pension from the date of her husband's death is deemed arbitrary, and unjust following a comprehensive analysis of pension regulations, entitlement rules, provisions of respondents' letters, and relevant legal precedents.

4. As per respondents, it is important to note that prior to 24.09.2014, the Government of India's policy only allowed for one family pension, and the family pensioner could choose which pension was more beneficial to them individually. In this particular case, the husband of the applicant was not getting two service pensions, and was granted only one aggregated service pension for both Army and DSC Service as per the option exercised by him at the time of enrolment into DSC, and thus, the applicant is not entitled for grant of dual family pension.

5. We have considered the arguments presented by the counsels representing both parties and examined the relevant policy letters. On a perusal of records, we find that the applicant was never in receipt of two service pensions for separate services rendered by him in Army and DSC Service, and instead was granted a single service pension for his aggregate service of almost 18 years. That apart, his second spell of service in DSC was for duration of 09 years, being well short of qualifying service to be entitled for a second service pension. Therefore, in such a situation, no case for grant of dual family pension to the applicant is made out.

6. In view of aforesaid analysis, this OA 1100/2023 is dismissed as devoid of merit.

7. Pending miscellaneous application(s), if any, stand disposed of.

8. No order as to costs.

Pronounced in the open Court on 5 day of December, 2024.

(JUSTICE RAJENDRA MENON)
CHAIRPERSON

(LT GEN C.P. MOHANTY)
MEMBER (A)

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