

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

55.

OA 1179/2017

Smt Padam Gurung alias Padam Kumari Applicant
VERSUS ✓
Union of India and Ors. Respondents

For Applicant : Ms. Sangeeta Tomar, Advocate
For Respondents : Mr. Yogeshvar Krishnan, proxy for
Gp Capt. Karan Singh Bhati, Sr CGSC
Capt Akanksha Singhal, OIC, Legal Cell

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN C P MOHANTY, MEMBER (A)

ORDER ✓
02.09.2024

On behalf of the respondents, it is submitted that they do not object to the grant of liberalized family pension to the applicant with the submission however made on behalf of the respondents that the liberalized family pension be granted only from a period of three years prior to the institution to the OA. The present OA was instituted by the applicant on 14.07.2017.

2. As averred in the counter affidavit of the respondents dated 09.02.2018 vide para-8 thereof, it is stated to the effect:-

"8. That on 07 Dec 2004, Pension of Defence Accounts (Pension) Allahabad has stopped pension in favour of Sher Bahadur Gurung, son of deceased soldier with effect from 15 October 2003 vide their Corrigendum Pension Payment Order No F/BC/570/2004 dated 07 December 2004 and F/BC/571/2004 dated 07 Dec 2004 respectively

and further granted Liberalized Family Pension to Master Subhash Gurung vide PPO no F/BC/0572/2004 dated 07 Dec 2004(Annexure XIV) in favour of Master sanctioning Rs. 1791/- per months as Liberalized Family Pension wef 15 October 2003 to 25 August 2013, as Master Subhash Gurung was completing his 25 years of age on 25 August 2013.”

3. In view of the submission of the letter dated 20.01.2009 no. 1(1)/2001/D(Pen/Policy) by the respondents as issued by the Government of India, Ministry of Defence, Department of Ex service welfare, in relation to the grant of special family pension to widows re-married before 01.01.1996 which reads to the effect:-

“ In continuation of this Ministry’s letter No. PC 1(2)/97-D(Pen-C), dated 16 May, 2001 on the subject mentioned above. I am directed to convey the sanction of the President to grant special family pension to a widow whose Special Family Pension was stopped on her re-marriage before 01 January 1996. Such pension may be regulated in terms of para 5.8 of this Ministry’s letter no PC 1(2)/97-D(Pen-C), dated 31 January, 2001.

2. The actual benefit arising out of this order will be payable from the date of issue of this letter. No arrears shall be admissible.

3. Pension Regulations of the three services will be amended in due course.

4. The issues with the concurrence of Defence (Finance) vide their UO No. 200/Fin/Pen dated 07.01.2009.”,-

qua which counsel for the respondents submits under instruction from the respondents that the benefits of this letter dated 20.01.2009 are also to be accorded in relation to the grant of liberalized family pension to widows re-married before 01.01.1996, with the non opposition on behalf of the applicant to

the submission made on behalf of the respondents to the effect that the grant of liberalized family pension to the applicant be granted from a period of three years prior to the institution of the present OA instituted on 14.07.2017, in the instant case the OA is thus disposed of with direction to the respondents to restore the liberalized family pension to the applicant with effect from a period of three years prior to the institution of the OA which was instituted on 14.07.2017 and the corrigendum PPO be issued accordingly within a period of three months and the arrears be paid to the applicant accordingly within the said period of time, failing which, the arrears shall carry interest @ 6 % p.a till the date of payment.

4. The OA is thus disposed of.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN C R MOHANTY)
MEMBER (A)