

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

OA 1405/2018

Ms. Surbhi Saxena, Wd/o  
Lt Col Amit Saxena, SM  
Versus  
Union of India & Ors. ... Applicant  
... Respondents

For Applicant : Mr. Ilam Paridhi, Advocate  
Mr. R Vishnu Kumar, Advocate  
Mr. Aman Kumar, Advocate  
For Respondents : Mr. Shashwat Singh, Advocate  
Mr. Shyam Narayan, Advocate

CORAM :

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

ORDER

By this Application, filed under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has prayed for the following reliefs :-

- (a) *Direct the respondents to fix the pension payable to the Applicant, in the category of Liberalised Family Pension.*
- (b) *Direct the Respondents to grant release Liberalised Family Pensionary benefits, to the Applicant alongwith the interest @12% p.a. from the date of death of the officer.*
- (c) *Direct the Respondent to release R. 15,00,000.00/- as Ex-Gratia Lump sum payment to the applicant.*
- (d) *Direct the Respondents to release the aforesaid Ex-Gratia Lump sum payment, to the Applicant, along with interest @12% p.a., from the date of death.*
- (e) *Grant costs to the tune of Rs. 1,00,000/- in favour of the Applicant."*

2. The applicant is the widow of a Commissioned Officer of the Indian Army Late Lt Col Amit Saxena, who died on 11.07.2016, while he was serving with 26 Mechanised Infantry Battalion (MECH INF) with reason mentioned as 'Cardiac Arrest due to Ischemic Heart Disease'.

**Arguments by Counsel for the Applicant**

3. It is the case of the applicant that the circumstances leading to death of the applicant's husband was investigated by a Court of Inquiry held under the Army Act/Army Rules and based on the findings/recommendation of the said Court of Inquiry, the competent military authority directed that "the death of the applicant's husband be treated as attributable to military service".

4. It is the contention of the applicant that in August 2016 despite the orders of the Court of Inquiry to classify the death of the deceased as battle casualty, the respondents sanctioned 'Ordinary Family Pension' instead of 'Liberalised Family Pension' and that the respondents vide letter dated 13.02.2017 communicated to the unit of the deceased that the death has been classified as 'Physical Casualty' and not a 'Battle Casualty', hence she filed an application dated 04.02.2018 addressed to the Respondents, requesting for 'Liberalised Family Pension' instead of 'Ordinary Family Pension'. Since, no reply has been received from the respondents the applicant

has approached this Tribunal claiming the reliefs set out hereinabove.

5. Drawing our attention to Annexure A-5, the Learned Counsel for the applicant submits that the applicant has not received any ex-gratia lump sum compensation from the last two years nor the Liberalised Family Pension and that she is only receiving Ordinary Family Pension as per Pension Payment Order placed at Annexure A-5.

6. The learned counsel for the applicant has drawn our attention to Para 1 of the Opinion of the Court of Inquiry placed at Annexure A-4 and the directions of the Station Commander, Station Headquarters Rakhmuthi placed at Annexure A-6 and the same is reproduced as under :-

*"1. I agree with the Opinion of the court.*

*2. The death of IC-62821W Lieutenant Colonel Amit Saxena, Sena Medal of 26 Mechanised Infantry Battalion is attributable to military service as the individual expired while on duty and performing operational duties near the Line of Control.*

*3. As the casualty occurred due to illness caused due to prolonged stress and strain in extreme climatic conditions while operating on the Line of Control during validation of operational induction route on BRDM. It may be classified as Battle Casualty."*

7. Learned counsel for the applicant further submits that based on these two documents, the death of the applicant's husband is held

to be attributable to military service, hence, the applicant is entitled to Liberalized Family Pension instead of Ordinary Family Pension.

8. Placing reliance on the AO/1/2003, the Learned Counsel for the applicant submits that the death of applicant's husband falls under Battle Casualties vide Para (g) of Appendix "A" to AO/1/2003. The said category reads as follows :-

*"Battle Casualties*

*The circumstances for classifying personnel as battle casualties are as under :-*

*(a) to (f) xxx xxx xxx*

*(g) Casualties occurring while operating on the International Border or line of Control due to natural calamities and illness caused by climatic conditions.*

*(h) xxx xxx xxx"*

9. In support of his claim for grant of Liberalized Family Pension and Lump-sum Ex-Gratia for Rs 15 Lakhs, the Learned Counsel for the applicant has drawn our attention to Office of the PCDA Circular No 438 dated 16.07.2010. Relevant extracts of the aforesaid circular reads as follows :-

*"Para 34 (d) (ii) & (vii) Defence Services Regulations, Pension Regulations for the Army Part II (2008).*

*(ii) In case death due to Battle Casualty, liberalised family pension shall be granted.*

*(vii) Authorise ex-gratia lump-sum compensation simultaneously in the Pension Payment Order, where payable.*

*Para 2 PCDA (P) Allahabad Circular No 438 dated 16.07.2010*

*“2. Now in terms of GOI, MOD letter No. 20(5)/2009/D(Pay/Sers) dated 04.06.2010 (copy enclosed) under which a new clause (d) has been added to Para 1 of GOI, MOD letter No dated 21.10.2008 that the families of the Defence Service Personnel who die while on duty in the specified high altitude, inaccessible border posts, on account of natural disasters, extreme weather condition in harness in the performance of their bonafied official duties shall be entitled to ex-gratia lump-sum-compensation at revised rate of Rs 15 Lakhs w.e.f. 91.01.2006.”*

### Arguments by Counsel for the Respondent

10. Per contra, learned counsel for the Respondents by filing counter affidavit has not disputed the death of the applicant's husband and the fact of it being treated as attributable to Military Service. However it is the case of the respondents that since cause of death of the husband of the applicant was 'Cardiac Arrest due to Ischemic Heart Disease' and competent authority has been classified death as 'Physical Casualty', the applicant has been granted Special Family Pension based on relevant rules and she is not entitled to claim Liberalised Family Pension.

11. The Learned Counsel for the Respondents have brought on record of Para 6 of Government of India, Ministry of Defence letter dated 31.01.2001 regarding Liberalised Family Pension and pointed out the updated circumstances covered under category "D" and "E" of Para 4.1 of above letter.

12. The learned counsel further submits that though the officer died in border area but due to disease/heart attack and not in direct action, hence, the circumstances of death of officer are not covered under any of the conditions laid down in the GoI, MoD letter dated 04.06.2010 and therefore, the applicant is not entitled for grant of Ex-gratia lump-sum compensation conditions as per ibid letters are:-

<i>S.No</i>	<i>Circumstances</i>	<i>Rates (in Rs)</i>
(a)	<i>Death occurring due to accidents in the course of duties</i>	<i>10 Lakhs</i>
(b)	<i>Death in the course of duties attributable to acts of violence by terrorist etc.</i>	<i>10 Lakhs</i>
(c)	<i>Death occurring during (i) enemy action in international war or border skirmishes and (ii) action against militants, terrorist, etc.</i>	<i>15 Lakhs</i>
(d)	<i>Death occurring while on duty in the specified high altitude, inaccessible border posts, etc. on account of natural disasters, extreme weather conditions</i>	<i>15 Lakhs</i>
(e)	<i>Death occurring during enemy action in international ware or war like engagements specifically notified.</i>	<i>20 Lakhs</i>

13. We have heard the contending parties and perused the pleadings and additional documents submitted by the respondents and the case laws on the subject. Now, the moot issue that needs to be interpreted in the present case is whether the injury of the applicant is to be classified as Battle Casualty or Physical Casualty by appropriate interpretation of the impugned policy letter.

14. We consider it appropriate, before proceeding to adjudicate the claim of the applicant, to place the context of rule position on record. Therefore, the relevant extracts of Appendix A to Army Order 1/2003, which governs the policy guidelines for classification

of injury as Battle Casualty is reproduced hereunder:

*(a) Army Order 1/2003/MP : Instructions for the management of Physical and Battle Casualties*

*Para 1 to 3. x x x x x x x x*

*4. Battle Casualties: Battle Casualties are those casualties sustained in action against enemy forces or whilst repelling enemy air attacks. Casualties of this type consist of the following categories:-*

*(a) Killed in action*

*(b) Died or wounds or injuries (other than self-inflicted)*

*(c) Wounded or injured (other than self-inflicted)*

*(d) Missing*

*5. Circumstances for classification of Physical/ Battle Casualties are listed in Appendix 'A'*

*Appendix A to AO 1/2003/MP*

*Battle Casualties*

*1. The circumstances for classifying personnel as battle casualties are as under:-*

*(a) Casualties due to encounter with troops or armed personnel or border police of a foreign country or during operations while in service with peace keeping missions abroad under government orders.*

*(b) Air raid casualties sustained as a direct or indirect result of enemy air action*

*(c) Casualties during action against armed hostiles and in aid to civil authorities to maintain internal security and maintenance of essential services.*

*(d) Accidental injuries and deaths which occur in action in an operational area.*

*(e) Accidental injuries which are not sustained in action and not in proximity to the enemy but have been caused by fixed apparatus (e.g. land mines, booby traps, barbed wire or any other obstacle) laid as defence against the enemy, as distinct from those employed for training purposes, and if the personnel killed, wounded or injured were on duty and are not to blame, will be classified as battle casualties, notwithstanding the place of occurrence or agency laying those, viz. own troops or enemy, provided the casualties occur within the period laid down by the government.*

*(f) Casualties during peace time as result of fighting in war like operations, or border skirmishes with a neighbouring country.*

*(g) Casualties occurring while operating on the International Border or Line of Control due to natural calamities and illness caused by climatic conditions.*

*(h) Casualties occurring in aid to civil authorities while performing relief operations during natural calamities like flood relief and earthquake.*

*(j) Casualties occurring while carrying out battle inoculations/training or operationally oriented training in preparation for actual operations due to gunshot wound/explosion of live ammunition/ explosives/mines or by drowning/electrocution.*

*(k) Casualties occurring while carrying out battle inoculation/training or operationally oriented training in preparation for actual operations due to gunshot wound/explosion of live ammunition/Explosives/Mines or by drowning/electrocution.*

*(l) Army personnel killed/wounded unintentionally by own troops during course of duty in an operational area.*

*(m) Casualties due to vehicle accidents while performing bonafide military duties in war/border skirmishes with neighbouring countries including action on line of control and in counter insurgency operations.*

*(n) Casualties occurring as a result of IED/bomb blasts by saboteurs/ANEs in trains/buses/ships/aircrafts during mobilization or deployment in war/war like operations.*

*(o) Casualties occurring due to electrocution/snake bite/drowning during course of action in counter insurgency/war.*

*(p) Accidental death/injuries sustained during the course of move of arms/explosives/ammunition for supply of own forces engaged in active hostilities.*

*(q) Death due to poisoning of water by enemy agents resulting in death/physical disabilities of own troops deployed in operational area in active hostilities.*

*(r) Accidental deaths/injuries sustained due to natural calamities such as floods, avalanches, cyclones, fire and lightening or drowning in river while performing operational duties/movements in action against enemy forces and armed hostilities in operational area to include deployment on international border or line of control.*

*(s) Army personnel killed/wounded by own troops running amok in an operational area.*

*(t) Army personnel killed/wounded due to spread of terror during leave/in transit because of their being army personnel.*

*Physical Casualties.*

*2. Deaths caused due to natural causes/illness/accident/suicide/murder due to family disputes in operational and nonoperational areas will be treated as physical casualties.*

15. As far as grant of 'Liberalised Family Pension' is concerned, we find it pertinent to refer to MoD letter No. 1(2)/97/D (Pen-C) dated 31.01.2001, which provides that liberalised family pension will be eligible to members of the family of soldiers in case of death of the Armed Forces Personnel under circumstances mentioned in category D & E of the aforesaid letter, the contents of which are reproduced herein:

*"Category D - Death or disability due to acts of violence/attack by terrorists, anti social elements, etc whether on duty other than operational duty even when not on duty. Bomb blasts in public places or transport, indiscriminate shooting incidents in public, etc. would be covered under this category, besides death/disability occurring while employed in aid of civil power in dealing with natural calamities.*

*Category E - Death or disability arising as a result of:-*

- (a) Enemy action in international war.*
- (b) Action during deployment with a person keeping mission abroad.*
- (c) Border skirmishes.*
- (d) During laying or clearance of mines including enemy mines as also minesweeping operations.*
- (e) On account of accidental explosions of mines while laying operationary oriented mine-field or lifting or negotiating mine field laid by the enemy or own forces in operational areas international borders or the line of control.*
- (f) War like situations, including cases which are attributable to/aggravated by:-*
  - (i) Extremist acts, exploding mines etc, while on way to operational area.*
  - (ii) Battle inoculation training exercises or*

*demonstration with live ammunition.*

*(iii) Kidnapping by extremists while on operational duty.*

*(g) An act of violence/attack by extremists, anti-social elements etc.*

*(h) Action against extremists, antisocial elements etc.*

*(i) Death/disability while employed in the aid of civil power in quelling agitation, riots or revolt by demonstrators will be covered under this category.*

*(j) Operations specially notified by the Government from time to time.”*

16. At this moment we find that the identical facts as in the instant case has been dealt by Hon'ble Supreme Court in Kanchan Dua Vs. UoI (CA No 7459-7460 of 2010) wherein dealing with the grant of Liberalised Family Pension, it has observed to the effect :

*“5. It will be relevant to refer to the relevant Instructions to understand the scope of the modifications made to the pension Rules/Regulations governing the Armed Forces personnel from time to time. By a letter dated 24.02.1972, the Chiefs of the Army, Navy and the Air Staff were informed about modifications to the then existing Rules and orders relating to the grant of special family pensionary awards and disability pension. Liberalised Family Pension was announced in favour of the families of the Armed Forces personnel killed in action or to those who have been disabled on account of injuries sustained in the operations against Pakistan, commencing from 03.12.1971. The awards sanctioned therein were also made applicable to personnel who were killed in action or were disabled on account of injuries sustained in the international wars of 1965 (including Kutch and Kargil Operations), 1962 and 1947-1948 (Kashmir Operations), as well as the Goa and Hyderabad Operations. The Liberalised Family Pension was further extended to personnel who died or were disabled as a result of fighting in war-like Operations or border skirmishes either with Pakistan on the ceasefire line or any other country and those who fought against armed hostiles like Nagas and Mizos and during fighting in service with peace*

*keeping missions abroad on or after 15th August, 1947. A decision was taken pursuant to the recommendations of the 4th Central Pay Commission regarding pensionary benefits to the Armed Forces personnel on 30.10.1987. Part IV of the letter dated 30th October, 1987 deals with Liberalized Pensionary Awards (battle casualty and such other cases as may be specially notified by the Government). The Government of India issued Instructions on 31.01.2001 for implementation of the recommendations of the 5th Central Pay Commission regarding Liberalised Family Pension for the Armed Forces personnel retiring, invaliding or dying in harness on or after 01.01.1996. There was a broad division of cases arising out of attributable/aggravated causes into five categories. Operations specially notified by the Government from time to time were included in Category 'E'. The eligible member of the family of the Armed Forces personnel falling in Category 'E' was entitled to Liberalised Family Pension in case of his death or disability. As the contention of the Appellant is that her husband was part of Operation Rakshak which was notified by the Government of India, it is necessary to refer to the notification dated 07.05.1990 for assessing her eligibility to Liberalised Family Pension. Certain concessions were made to the Armed Forces personnel who were deployed in Operation Rakshak by the said notification. Apart from others, Liberalized Pensionary Awards, subject to the conditions laid down in para I of the letter dated 24.02.1972 were made applicable to personnel in Operation Rakshak. It is important to note that troops who were engaged in active operations against militants were held to be entitled to the field service concessions which were applicable to the location. In addition, those troops which were engaged in active operation against militants were held to be entitled to Liberalized Pensionary Awards, subject to the conditions laid down in the letter dated 24.02.1972.*

*6. Mrs. V. Mohana, learned Senior Counsel was appointed as Amicus Curiae to appear for the Appellant. She submitted that all the Army personnel working in the State of Jammu and Kashmir were declared to be on active service as per the notification dated 05.09.1977. She relied upon Section 3 and 9 of the Army Act, 1950 to submit that the Appellant's husband was in active service at the time of his death. Though the Appellant's husband was working as Commandant of the Animal Transport Battalion, his death due to sudden cardiac failure took place when he was in active service. She emphasized that the Appellant's husband died during his service in Operation Rakshak which was a notified Operation*

mentioned in Category 'E' of para 4.1 of the Instructions dated 30.01.2001. She submitted that according to the Instructions that were issued on 31.01.2001, the Appellant is entitled to Liberalised Family Pension as per para 6 therein. She relied upon judgments of the High Court of Delhi, High Court of Jammu and Kashmir and the High Court of Punjab and Haryana in support of her submission that the family members of the Armed Forces personnel who died during their service in the notified Operations are entitled to Liberalised Family Pension.

7. Ms. Madhavi Divan, learned Additional Solicitor General contended that Liberalised Family Pension is associated exclusively with pension granted in respect of death or injury caused in live action. Placing reliance on a judgment of this Court in *Brij Mohan Lal v. Union of India*, she submitted that grant of Liberalised Family Pension for death by natural causes would diminish the sheen of sacrifice of the servicemen who were killed in live action. The death of the Appellant's husband due to sudden cardiac failure would fall under Category 'B' of the Instructions issued on 31.01.2001 and the applicable Special Family Pension was rightly granted to the Appellant. The very genesis of the Liberalised Family Pension highlighted by the learned Additional Solicitor General was through a communication dated 24.02.1972 which was issued for the purpose of acknowledging the sacrifice of persons who were killed in live action.

8. The basis of the claim of the Appellant for Liberalised Family Pension flows from the Instructions dated 31.01.2001. There is no doubt that Operation Rakshak is a notified Operation falling under Clause 9 of Category 'E' thereof. There is also no dispute that those covered in Category 'E' are entitled for Liberalised Family Pension. However, the notification issued by the Government extending concessions to the Armed Forces personnel deployed in Operation Rakshak provides that Liberalized Pensionary Awards are extended only to those troops in active Operations against militants in terms of para I of the letter dated 24.02.1972. A bare perusal of para I of letter dated 24.02.1972 would make it clear that only personnel killed or disabled on account of injuries in action are eligible for Liberalized Pensionary Awards. Therefore, we are in agreement with the Respondent that the Appellant is not entitled for Liberalised Family Pension.

9. We have examined the judgments of the High Courts cited by Mrs. V. Mohana, learned Amicus Curiae in *Manju Tewari v. Union of India*, *Preeti Sidhu v. Union of India*, *K.J.S. Buttar v. Union of India*, *Major Arvind Kumar Suhag v. Union of India*, *J. P Bhardwaj v. Union of India*, *Radhika Devi v. Union of India* and *Pushpa Devi v. State of Haryana*. Though relief of Liberalised Family Pension was granted by the High Courts in those judgments, the High Courts have not examined the letter dated 24.02.1972 and the notification dated 07.05.1990. Therefore, no relief can be given to the appellant on the basis of the said judgments. The judgments relied upon by Mrs. V. Mohana, learned Amicus Curiae have to be considered to have been determined on the particular facts of those cases.

10. Mrs. Mohana relied upon the recommendations of a Committee of Experts, appointed by the Ministry of Defence, Government of India to review matters pertaining to service and pension. Certain recommendations made in the said report are in favour of the Appellant. It was observed in the said report that persons disabled or dying in an Operational area due to illnesses induced by harsh climatic conditions of such an area or due to an accident while patrolling in such an area is no less important a sacrifice than another dying by a bullet in the same locale. After obtaining Instructions, the learned Additional Solicitor General submitted a note according to which the said recommendation of the Committee was not accepted by the Government. Hence, we cannot rule in favour of the Appellant on the basis of the recommendations of the Committee of Experts.”

17. Similarly, relying upon the aforesaid judgment, Hon'ble Supreme Court in *Smt Radhika Devi Vs. UoI & Ors* (CA 7525-7526 of 2019) dealing with the issue of grant of Liberalised Family Pension to a soldier who died due to Ischemic Heart Disease while being posted at International Border in Operation Parakram, held to the effect :

“2. Naib Subedar Umed Singh was enrolled in the Army on 13.03.1976. On 19.12.2001, he was posted at the International Border in Operation Parakram. While taking part

*in the fire fighting drill activities at about 4.00 pm on 21.05.2002, he collapsed and was declared dead. According to the death certificate, he died due to Ischemic heart disease leading to cardiac arrhythmia (ventricular fibrillation).*

*3. The Respondents granted Special Family Pension to the Appellant. Unsatisfied with the grant of Special Family Pension instead of the Liberalised Family Pension, the Appellant filed O.A. No.167 of 2011 before the Armed Forces Tribunal, Principal Branch, New Delhi (for short "the Tribunal"). The Tribunal dismissed the O.A. on 23.11.2011, holding that the Appellant was not entitled to either Liberalised Family Pension or ex-gratia payment. Aggrieved by the order of the Tribunal, the Appellant filed a Writ Petition in the High Court of Delhi, which was allowed. The High Court found that the Appellant was entitled to Liberalised Family Pension and ex-gratia payment of Rs.5 lakhs. The Appellant challenged the judgment of the High Court to the extent that ex-gratia payment of Rs.7.5 lakhs was not awarded in her favour. The Respondent, Union of India has also filed an appeal questioning the judgment of the High Court in so far as it relates to the declaration that the Appellant is entitled to the Liberalised Family Pension and the award of Rs.5 lakhs as ex-gratia amount.*

*4. The claim of Liberalised Family Pension by the Appellant is on the basis of the Instructions issued by the Government of India on 31.01.2001. As per the said Instructions, a member of the family of a deceased Armed Forces Personnel whilst employed in an operation notified by the Government of India would be entitled to Liberalised Family Pension. In *Kanchan Dua v. Union of India & Anr. 9*, we have discussed in detail the modifications issued to the rules and regulations granting beneficiary awards to the family members of the Armed Forces Personnel who died in action by the letter dated 24.02.1972. We have also carefully examined the scope of the entitlement of Liberalised Family Pension in case of the death of persons employed in the operations notified by the Government of India. After a close scrutiny of the relevant circulars, we have held that Liberalised Family Pension in accordance with the Instructions issued by the Government of India is payable only to the family members of Armed Forces personnel who have died in action.*

*5. In view of the death of the Appellant due to cardiac failure, the Appellant is not entitled to Liberalised Family Pension. In so far as the payment of ex-gratia amount/compensation is*

*concerned, we are convinced that the Appellant is entitled to Rs.5 lakhs as ex-gratia compensation in accordance with the Instructions dated 22.09.1998. The special benefits that were granted by the Government of India for ex-gratia payment is payable in all cases of death and disability in service to the family members of the Armed Forces Personnel who died in harness. As the death of the Appellant's husband was not during enemy action in international war or border skirmishes and action against militants, terrorists, extremists etc., the Appellant is not entitled to Rs.7.5 Lakhs as claimed by her.*

*6. We set aside the judgment of the High Court declaring that the Appellant is entitled for Liberalised Family Pension. She is entitled only for the Special Family Pension. Further, we uphold the judgment of the High Court that the Appellant is entitled for ex-gratia payment of Rs.5 lakhs. With the above observations, the Appeals are disposed of, accordingly."*

18. On a perusal of a aforesaid judgments we find that the circumstances of death of the officer in the instant case are identical to those elaborated in aforesaid cases, and therefore, keeping in view the above facts, we are of the opinion that the applicant is not eligible for grant of Liberalised Family Pension in accordance with rules.

19. As far grant of ex-gratia Lump-sum compensation is concerned we find that the husband of the applicant passed away on duty while performing operational duties near the Line of Control on account of extreme weather conditions and as such applicant's case qualifies under Category

(d) of Govt of India, MoD letter dated 04.06.2010 reproduced as under :-

<i>S.No</i>	<i>Circumstances</i>	<i>Rates (in Rs)</i>
<i>(a)</i>	<i>Death occurring due to accidents in the course of duties</i>	<i>10 Lakhs</i>
<i>(b)</i>	<i>Death in the course of duties attributable to acts of Violence by terrorist etc.</i>	<i>10 Lakhs</i>
<i>(c)</i>	<i>Death occurring during (i) enemy action in international war or border skirmishes and (ii) action against militants, terrorist, etc.</i>	<i>15 Lakhs</i>
<i>(d)</i>	<i>Death occurring while on duty in the specified high altitude inaccessible border posts, etc. on account of natural disasters, extreme weather conditions</i>	<i>15 Lakhs</i>
<i>(e)</i>	<i>Death occurring during enemy action in international ware or war like engagements specifically notified “</i>	<i>20 Lakhs</i>

20. In light of above observation we find that while the applicant is not entitled for Liberalised Family Pension he is still entitled for grant of ex-gratia lump sum compensation of Rs. 15 Lakhs. Furthermore, noting the fact that the PPO issued to the applicant and placed on record notes only the grant of ‘Ordinary Family Pension’ and that while the Respondents have submitted in their Counter Affidavit that the applicant is being granted ‘Special Family Pension’, but there is nothing on record to that effect, and therefore, before parting it is important to note that applicant is entitled to grant of special family pension, along with ex-gratia lump sum compensation of Rs. 15 Lakhs, which if not granted till date, shall be granted to the applicant within three months from the date of pronouncement of this judgement.

21. Consequently, the OA 1405/2018 is disposed of in terms of aforesaid directions.

22. No order as to costs.

23. Pending miscellaneous applications, if any, pending stand closed.

Pronounced in the open Court on <sup>Sl-</sup> 31 day of May, 2024.

(JUSTICE RAJENDRA MENON)  
CHAIRPERSON

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

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