

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

9.

MA 3116/2025 in OA 2031/2018

Ex Hav (Hony Nb Sub Manik Chand) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. VS Kadian, Advocate
For Respondents : Mr. Avdhesh Kumar Singh, Advocate

CORAM

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

ORDER
17.09.2025

MA 3116/2025

The applicant of MA 3116/2025, Smt. Sumitra, wife of late Ex Hav (Hony Nb Sub Manik Chand) vide this application has sought to be substituted in place of her late Ex Hav (Hony Nb Sub Manik Chand), the deceased applicant, who was the applicant of OA 2031/2018, submitting to the effect that Ex Hav (Hony Nb Sub Manik Chand) had expired on 17.02.2023.

2. Vide order dated 29.07.2025 and 02.09.2025, the respondents were directed to verify the averments made vide MA 3116/2025. The respondents have submitted a response dated 02.09.2025 and do not refute that the applicant of MA 3116/2025 is the legally wedded wife of the deceased applicant, Service No. 13657001 Ex Hav (Hony Nb Sub Manik Chand), i.e. the late applicant of OA 2031/2018. A submission is,

however, made by the respondents that there is a discrepancy in the date of birth of the applicant in as much as the Aadhar Card of the applicant herein gives her date of birth to be 01.01.1949 whereas, the service records *qua* the deceased applicant reflect the date of birth of Smt. Sumitra as 01.07.1948. Though, the veracity of the Aadhar Card has not been vouched by the respondents, they do not dispute the factum of the applicant being legally wedded wife of the deceased applicant.

2. In the circumstances, MA 3116/2025 is allowed and the applicant thereof Smt. Sumitra, wife of the Ex Hav (Hony Nb Sub Manik Chand) is allowed to be substituted in place of the deceased applicant.

3. It is essential to observe that OA 2031/2018 was disposed of on 13.03.2023 with directions vide Paras 16, 17 and 18 thereof to the effect:-

“16. Thus, the respondents are directed to issue the Corrigendum PPO and pay the disability element of pension @ 20% w.e.f. 01.01.1985 for life duly broad banded from 20% to 50% in terms of the verdict of the Hon'ble Supreme Court in UOI & Ors. vs Ramavtar in Civil Appeal No. 418/2012 w.e.f. within 3 months from the date of receipt of this order, failing which the interest@6% p.a. shall accrue from the date of this order.

17. However, in terms of the verdict of the Hon'ble Supreme Court in UOI & Ors. Vs Tarsem Singh, reported in (2008) 8 SCC 648, the relief that the applicant seeks has to be confined to the arrears of pension for a period of three years prior to the date of the filing of the OA.

18. The OA is thus stands disposed of accordingly.”

4. It is submitted by the learned counsel for the applicant that he was not aware of the demise of the deceased applicant of OA 2031/2018 before the pronouncement of the order dated 13.03.2023 in OA 2031/2018 whereby it was disposed of on 13.03.2023 as observed hereinabove.

4. In the interest of justice, thus, the directions dated 13.03.2023 in OA 2031/2018 in Para 16 are modified now to read to the effect:-

“16. Thus the respondents are directed to issue the corrigendum PPO and pay the disability element of pension @20% w.e.f. 01.01.1985 till the date of demise of the deceased applicant 13657001 Ex Hav (Hony Nb Sub Manik Chand) i.e. 17.02.2023 duly broad banded from 20% to 50% in terms of the verdict of the Hon'ble Supreme Court in UOI & Ors. vs Ramavtar in Civil Appeal No. 418/2012 w.e.f. within 3 months from the date of receipt of this order, failing which the interest@6% p.a. shall accrue from the date of this order,”

with all other directions in the order dated 13.03.2023 remaining the same.

5. The MA 3116/2025 is disposed of accordingly.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

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