

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

66.

RA 2/2025 with MA 290/2025 in OA 310/2022

UOI & Ors Applicant
Versus
Mrs Sunaina Devi W/o
Late MWO Ram Chandra Sahu Respondents
For Applicant : Mr. Avdhesh Kumar Singh, Advocate
For Respondents : Mr. Baljeet Singh, Advocate

CORAM

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

O R D E R
30.01.2025

RA 2/2025

This Review Application has been filed for modification of an order passed by this Tribunal on 03.11.2023 in OA 310/2022 in the matter of granting Special Family Pension to the applicant, a widow lady. It is the case of the respondents that as the delay in filing of the application was condoned in the light of the law laid down by the Hon'ble Supreme Court in the case of Union of India and others Vs. Tarsem Singh (2009(1) AISLJ 371), the arrears payable to the applicant should be restricted to three years and the entire arrears should not be paid. We have considered the facts of the case and even though we had allowed the condonation of delay but infact the records indicates that the condonation of delay application was filed by the applicant u/s 22 by way of abundant precaution as the facts of the case indicates that the applicant's husband suffered an ailment which

ultimately led to his death on 06.03.2015 and after the death of her husband, Ordinary Family Pension was granted to the applicant on 25.11.2016 vide Annexure R-1 available at page 55 of the records of the OA 310/2022. Taking note of this date that the applicant's counsel filed an application for condonation of delay as the OA was filed on 11.11.2022 however, the facts on record further reveal that when only Ordinary Family Pension was granted to the applicant, she filed a First Appeal on 20.05.2017 before the Competent Authority claiming the Special Family Pension. This First Appeal filed by the applicant was rejected by the respondents vide Annexure R-3 on 24.01.2020 and being aggrieved by rejection of this First Appeal, the Second Appeal was again filed by the applicant immediately within a period of six months on 10.07.2020 and the Second Appeal was decided on 11.10.2021 vide Annexure R-4 at page 58 of the OA. That being so after rejection of the Second Appeal on 11.10.2021, applicant, a widow lady invoking the jurisdiction of this Tribunal, having been diligent for her claim filed this OA within a reasonable period of rejection of Second Appeal. We see no reason to restrict the arrears to three years by applying the principle in the case of Union of India and others Vs. Tarsem Singh (2009(1) AISLJ 371). In our considered view the said principle will not apply. No case for review made out. Accordingly, the RA stands dismissed.

2. List the matter on 06.02.2025.
3. Let a copy of this order be given 'DASTI' to both the parties.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[LT GEN C.P. MOHANTY]
MEMBER (A)**

/kt/