

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

OA 1479/2018

Smt Rekha Kumari Wd/o ... Applicant
Ex Gnr Sushil Kumar Sharma
Versus
Union of India & Ors. ... Respondents

For Applicant : Mr. Manoj Kumar Gupta, Advocate
For Respondents : Mr. Satya Ranjan Swain, 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 praying for following reliefs:

- a) *Quash the Impugned Order issued vide Respondent's letter dated 10.05.2018 which is contradictory in nature.*
- b) *For direction to Respondents to restore Ordinary Family Pension wef Mar 2018 which was stopped due to re-marriage of the applicant.*
- c) *For direction to the Respondents to pay arrears with interest @12% p.a.*
- d) *For direction to the Respondents to be paid benefit of OROP after restoration of pension, as per policy in vogue.*

2. Referring to factual context, as per the Counter Affidavit filed by the Respondents dated 16.01.2019, the husband of the applicant, Late Gnr Sushil Kumar Sharma was enrolled in the Regiment of Artillery on 04.04.2000. While serving with 16 Fd Regt, the individual was granted 20 days casual leave with effect from 01 Dec 2001 to 20 Dec 2001. During the said leave, the

individual met with a road accident and died on 07 Dec 2001 due to '*Shock Hemorrhage Coma*'. Post investigation by a CoI, the death of the husband was held to be not attributable to military service.

3. As per the records, Gnr Sushil Kumar Sharma got married to the applicant on 15.04.2001 and nominated her as heir and Next of Kin. After death of the husband, ordinary family pension was granted to the applicant vide PCDA (P), Allahabad, PPO No. F/NA/002867/2002. A son was born on 21.02.2002 out of wedlock. Later on, the applicant re-married the younger brother of the husband, and thus, the family pension of the applicant was stopped by the pension disbursing agency.

4. Applicant subsequently requested for restoration of her family pension, to which in reply, Artillery Records vide letter No D/15141866L /T-2/PC-2/03/Pen-3(A) dated 10.05.2018 intimated that Master Balkrishan Sharma, son of the couple is the next heir eligible for Ordinary Family Pension up to 25 years of age after her re-marriage. Thus, she has been advised to submit certain auditable mandatory documents duly completed in all respects to Artillery Records through her Zila Sainik Welfare Officer for grant of Family Pension to the son.

5. It is the case of the applicant that the OFP has been denied to the applicant from the date of her re-marriage with the real brother of the husband ignoring the Circular dated 12.11.2008

wherein remarriage is no more a condition to prevent the ordinary family pension, and that the Respondents have failed to appreciate that the discretionary condition which has not been made applicable for other kind pension i.e. Special Family Pension/Liberalised Family Pension has been imposed with regard to the Ordinary Family Pension only.

6. Inter alia, the applicant places his reliance on the order dated 12.03.2014 of the Regional Bench, Chandigarh of this Tribunal in *Smt Gurdip Kaur v. UoI*, (OA 316/2012) order dated 04.08.2010 in *Maya Devi v. UoI* (OA 122/2010), order dated 04.08.2010 in *Meenakshi Devi v. UoI* (OA 27/2010) and order dated 04.08.2010 in *Saroj Devi v. UoI* (OA 187/2009) of the Principal Bench of this Tribunal.

7. Per contra, it is submitted by the Respondents that the provisions of grant of family pension to the childless widow even after her remarriage is evolved with effect from 01.01.2006 under the authority of Govt. of India, Min of Def letter No. 17(4)/2008(2)/D(Pen/Policy) dated 12 Nov 2008, wherein it has been ruled that the childless widow of a deceased Govt. employee shall continue to be paid family pension after her remarriage subject to fulfillment of other conditions. However, in the instant case, the applicant is not a childless widow and she has been remarried to the real brother of the deceased soldier, and hence, not eligible for Ordinary Family Pension.

8. We have heard learned counsel for the parties and have scrutinized the documents placed on record including the policy letters on the subject. The limited issue for our consideration is whether the applicant would be entitled to grant of Ordinary Family Pension by reason that she has remarried the real brother of the deceased husband?

9. To facilitate the adjudication, we refer to Regulation 63 of Pension Regulations for the Army, 2008 (Part-I) with respect to eligibility of payment of family pension, existing at the time of the disqualification of the applicant for grant of ordinary family pension, and it reads as under:-

“ORDINARY FAMILY PENSION WHEN ADMISSIBLE

63. Where Service personnel dies in the circumstances mentioned in the Category A of the Regulation 82 of these Regulations:

(i) Either while in service, provided he had been found fit after successful completion of the requisite training and medical examination for commission, or at the time of enrolment in the case of Personnel Below Officer Rank; or

(ii) After release/ retirement/discharge /invalidment with a pension of any kind under these Regulations, the family of the deceased shall be entitled to ordinary family pension under these Regulations.”

10. While we note that the death of the husband falls under aforesaid Regulation 63(i), we find it proper to refer to Regulation 66 of the aforesaid Pension Regulations for the Army, 2008 (Part-I), to examine as to who all beneficiaries are included in the definition of ‘Family’. The same is reproduced herein as under:

“DEFINITION OF FAMILY

66. Family for the purpose of Regulations in this Section shall consist of the following:

(i) *Wife in the case of male service personnel or husband in the case of female service personnel lawfully married before or after retirement.*

(ii) *A judicially separated wife or husband, such separation not being granted on the ground of adultery and the person surviving was not held guilty of committing adultery.*

(iii) *Unmarried daughters/unmarried sons (including those legally adopted), widowed/divorced daughters.*

(iv) *Parents who were wholly dependent on the service personnel when he was alive.*

Notes:

1- Eligible son/daughter includes a posthumous child.

2- In case Service personnel get marries after release/retirement /discharge /invalidment the marriage should be registered with the Registrar of the Marriages or other competent authority under the relevant law. In case where such marriage is not registered for some valid reasons, an affidavit sworn before a Magistrate or legal heirship certificate can be furnished.

3. Widowed/divorced daughter including disabled widowed/divorced daughter need not come back to her parental home

4. Child/children born out of the void marriage shall be entitled to share ordinary family pension, if otherwise eligible, though their mother would not have been eligible for the same had she been alive at the time of death of her husband on account of marriage being null and void.”

11. A cursory look at the aforesaid regulation makes it clear that the definition of family does not include ‘the re-married widow’, and thus, it can be safely concluded that the benefit of grant of ordinary family pension to the widows who remarried was not extended to them as per Pension Regulations for Army, 2008.

12. However, we observe that the definition of ‘family’ underwent few changes vide Govt of India, Ministry of Defence (Department of ExServicemen Welfare) vide letter

dated 12.11.2008, which specified that for the purpose of grant of family pension, the 'Family' shall be categorized as under:-

Category I

(a) *Widow or widower, upto the death or re-marriage, whichever is earlier.*

(b) *Son/daughter (including widowed daughter) upto the date of his/her marriage/re-marriage or till the date he/she starts earning or till the age of 25 years, whichever is earlier.*

Category II

(c) *Unmarried/widowed/divorced daughter, not covered by category-I above, upto the date of marriage/re-marriage or till the date she starts earning or upto the date of death, whichever is earlier.*

(d) *Parents who were wholly dependent on the Armed Forces personnel when he/she was alive provided the deceased personnel had left behind neither a widow nor a child.*

Family pension to dependent parents, unmarried / divorced/widowed daughter will continue till the date of death. Family pension to unmarried/widowed/divorced daughter in Category-II and dependent parents shall be payable only after the other eligible family members in Category-I have ceased to be eligible to receive family pension and there is no disabled children in respective categories shall be payable in order of their date of birth and younger of them will not be eligible for family pension unless the next above him/her has become ineligible for grant of family pension in that category."

13. On a closer scrutiny, we find that as per Category I specified by the aforesaid letter, it has been clarified that a widow or a widower is entitled to grant of Ordinary Family Pension, only either till he/she remarries or till his/her death, which means that a widow who has remarried has been excluded from the definition of family and thus, not entitled for grant of ordinary family pension from the date she remarries.

14. However, there is another subsequent amendment brought in by the The Govt. of India, Ministry of Defence vide policy letter

dated 06.01.2011 which vide following guidelines specified to the effect:

“Consequent upon receipt of certain references from various quarters seeking clarification regarding applicability of above mentioned provision in cases where death of an employee took place prior to 01 Jan 2006 and childless widow of the deceased employee got remarried before/on or after 01 Jan 2006, Ministry of Personnel, public grievance and pension, department of pension and pensioners welfare, New Delhi vide their OM No 1/4/2011-P&PW (E) dated 01 Apr 2011 has decided in consultation with Ministry of Finance (Department of Expenditure) that childless widow of a deceased employee who expired before 01 Jan 2006 shall also be eligible for family pension irrespective of the fact that the remarriage of the widow had taken place prior to/on or after 01 Jan 2006 subject to fulfilment of other conditions. The financial benefits in such cases has, however, been allowed w.e.f. 01 Jan 2006.”

15. With aforesaid changes brought in the policy governing grant of Ordinary Family Pension, the entitlement has been altered to include a re-married widow of a soldier who is childless with few overriding conditions:

- (i) The soldier should have expired before 01.01.2006.
- (ii) The widow must be childless.
- (iii) The re-marriage of the widow has taken place on/or before/ or after 01.01.2006.
- (iv) This benefit of modified entitlement has been allowed only wef 01.01.2006 and not before that.

16. With respect to the aforesaid pre-conditions, we find that while the soldier has expired before 01.01.2006, and the re-marriage of the widow has taken place after 01.01.2006, but she has a son born out of that wedlock and thus, she is not childless.

17. At this moment, we find another facet of the grant of family pension to the remarried widow, for which we find it pertinent to

(c) to an unmarried daughter until she attains the age of 25 years or marriage whichever is earlier.

Provided that if a son or daughter is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of 25 years the ordinary family pension shall be payable to such or daughter for life (MoD letter No.N49601/AG/PS4(e)/3363/B/D (Pens/serv) dated 07.08.87."

19. We observe that with respect to the grant of Special Family Pension, Regulation 213 and 216 of Pension Regulations for the Army 1961, addresses the same, and thus, is reproduced herein as under:

Special family pension

213. A special family pension may be granted to the family of an individual if his death was due to or hastened by

*(a) a wound, injury or disease which was attributable to military service ,
Or*

(b) the aggravation by military service of a wound, injury or disease, which existed before or arose during military service.

Eligible members of the family

xxx

xxx

xxx

xxx

216. The following members of the family of a deceased individual shall be viewed as eligible for the grant of a special family pension provided that they are otherwise qualified :

(a) widow/widower lawfully married. It includes a widow who was married after individuals release/ retirement/ discharge/ invalidment.

(b) Son actual and legitimate/including validly adopted.

(c) Daughter, actual and legitimate/ (including validly adopted. (d) Father.

(e) Mother.

(f) Brother.

(g) Sister.

20. At the same point, we note that Regulation 219 provides for ‘*Conditions of eligibility for a family pension,*’ which is produced as under:

Conditions of eligibility for a family pension
219. A relative specified in Regulation 216 shall be eligible for the grant of family pension, provided;

General

(i) he or she is not in receipt of another pension from Government; (ii) he or she is not employed under Government

Widow

(iii) a widow has not remarried.

This condition shall not apply to a widow who remarried her deceased husband’s brother, and continues to live a communal life with and/or contributes to the support of the other living eligible heirs.

Son

(iv) a son is below the age of 25 years.

Daughter

(v) a daughter until she attains the age of 25 years or marriage whichever is earlier.

...”

21. A prima facie look shows that Regulation 219 is stated to be only for the special family pension though it appears under the heading “*Conditions of Eligibility for a family pension*”. This observations stems from the fact that Regulation 219 stipulates that it refers to relatives specified in Regulation 216, and thus, though the phraseology used is “*family pension*” in Regulation 219, the reference to Regulation 216 makes it clear that what is dealt with is only with regard to special family pension and not other kinds of family pension.

22. The alternative view of Regulation 219(iii) makes it visibly clear that though the special family pension is admissible to a widow has not remarried, the exception to the rule is that it is applicable to those widows who remarry the real brother of the deceased husband, provided that inter alia she contributes to the support of other living eligible heirs. This can be understood in the instant scenario by a view that had the widow been entitled to special family pension, she would have been in receipt of the same by virtue of aforesaid regulation. However, we note that she was in receipt of Ordinary Family Pension.

23. At this moment, we find it pertinent to examine the question as to whether this distinction between a widow who remarries the real brother of the deceased husband and still is in receipt of a special family pension and a widow who remarries the real brother of the deceased husband but her ordinary family pension is stopped on remarriage is an intelligible differentia or not ?

24. We find that the aforesaid question has been dealt by *Punjab & Haryana High Court* in the case of *Kiran Kumar Vs. State of Haryana and others, [2004(2) SLR 694]*, held that a widow, who after remarriage, continues to live a common life and / or contributes to support all other living eligible heirs of the family, is entitled to a family pension even though she has

remarried the brother of the deceased husband. Para 5 of the aforesaid judgement is extracted herein:

5. Firstly, there is no rule which prohibits grant of family pension to the widow of the deceased who has remarried and particularly in the same family. The object of the rule is not to deny benefit of family pension to the dependent of the deceased, but, obviously provides an exception to that concept by postulating a situation where the widow remarried independently and her economic dependence upon the deceased is disintegrated, from the need of the family. In the present case, both such situations exist. Admittedly, the daughter of the deceased is living with the petitioner, who has remarried with the younger brother of the deceased. The economic dependence of the family, thus, continues in its entirety and ingredient of an exception seems to be satisfied in the present case.

25. While adjudicating the issue in *Kiran Kumar (supra)*, a reference has been made by *Punjab & Haryana High Court* to its earlier judgement in *Kamaljit Kaur v. Union of India [1997 (3) PLR 451]* which deals with the controversy surrounding Regulation 216 and 219 of the Pension Regulations for the Army, 1961. We find it pertinent to refer to para 4 of the said judgment, which reads as under:

"4. Petitioner, widow of Malkit Singh, married with the brother of the deceased. This fact is admitted in the written statement. In such a situation the relevant Rule that applies to the case in hand is Rule 219 of Section 2 of Service Pension and Gratuity. That Rule states that "A relative specified in regulation 216 shall be eligible for the grant of family pension." Widow is one mentioned in Regulation 216. Thus, it is beyond controversy that widow is entitled to pension under Rule 219. That Rule further states that if the widow re-marries her deceased husband's brother and continues to live a common life with and/or contributes to the support of the other living eligible heirs she continues to be entitled to family pension. In this case petitioner re-married deceased's direct brother. She is maintaining the son born to her through the deceased Sepoy. Thus, petitioner continues to have a right to get the family pension. That family pension was denied to her from May, 1994. The said action on the part of the respondents was illegal. So, respondents are directed to pay the entire arrears, of pension due to the petitioner within a month from today. If the entire arrears are not paid within one month, as stated above, that entire arrears will carry interest at the rate of 12% per annum from the date of the expiry of one month till the date of actual payment. We direct the respondents to

continue to disburse the family pension due to petitioner regularly month by month."

26. Referring to the observations in *Kamaljit Kaur (supra)*, *Punjab & Haryana High Court* in *Smt. Surjit Kaur v. Chief Controller Defense Accounts (Pensions), Allahabad [C.W.P. No. 3415 of 1996]*, held that there was entitlement of ordinary family pension on a reading of Regulation 212, 216 and 219 in case of remarriage with the brother of the deceased husband. Relevant Para 6 is reproduced herein as under:

6. Having heard learned Counsel at some length, I am of the considered view that this petition deserves to be allowed. The view taken by the Division Bench in Kamaljit Kaur's case (supra) has been rightly relied upon in Smt. Chawli Devi's case (supra). There is nothing in the rules dealing with the family pension, which may overcome the proviso attracted to Regulation 219 which is in the form of an exception, namely, that if a widow remarry with the deceased husband's brother and continues to live with him in commune and/or contribute to support other living heirs then she would be entitled to the grant of family pension. It appears that the case of the petitioner is covered by the aforementioned two judgments of this Court. When a person dies in uniform either while actually engaged in action or activities related to military service then he must be regarded to have died on account of injuries suffered by him attributable to military service. It has been held by a Division Bench of this Court in the case of Jarnail Singh v. Union of India 1997 (3) SCT 484 (P&H) : 1998 (1) SLR 418 (Pb. & Hry.) that a remote connection between the cause of death and the military service should be regarded as sufficient to conclude that the death was attributable to military service.

27. We note that the issue under consideration has been further dealt by *Delhi High Court* in *Kashmiro Devi v. Union of India* [Writ Petition (Civil) No.1082 of 1995; Date of judgement: 19.05.2008] wherein the ordinary family pension was stopped on account of the remarriage of the widow with the brother of the deceased husband who died in service, and similar arguments were raised before the Hon'ble Delhi High Court. We find it

essential to refer to Paras 16 to 23 of the aforesaid judgement reproduced as under:

16. *We have given our deep thought to the matter, especially taking into consideration the object of the Regulations and the factum of the petitioner being a widow of the Sepoy who died while in service.*

17. *It cannot be lost sight of that the object of a pension is to provide succor to the family members of a deceased personnel who has been unfortunately snatched away during the middle of his service. Such death causes trauma to the family both mental and financial. It is only the financial trauma which is sought to be remedied by providing for pension to the legal heirs of the deceased serving personnel. There are different categorizations of such pension depending on the circumstances in which the death occurred. There is no dispute that a distinction can be made between cases where a person has died while engaged in active military service and a person who dies in service on account of factors not attributable to or aggravated by military service. The second aspect itself is questionable in cases like the petitioner where the death is on account of Thrombosis when it is known that the demands of the services create their own pressures. Be that as it may, the two categories of pension have been specified where the ordinary family pension is almost half of the special family pension. The result is that in case like the deceased husband of the petitioner, the pension element is itself on a lower side.*

18. *The proposal that on marriage of such a widow, the pension should cease cannot be quarrelled with because her dependency is gone and she goes into another family where she is maintained by the current husband. The respondents were, however, conscious of the fact that there was local customs prevalent where often 'Chadar' was put by the brother of the deceased person so that the widow remains within the family and is provided support and succor. Thus, to encourage and provide for family support to such a widow that an exception has been carved out under Regulation 219 that even if a widow remarries and the marriage is with the brother of the deceased husband, the pension would not be terminated. There can be no distinction made between a widow of a person who has died by reasons attributable to or aggravated by military service and a person who has died just in service since the problems faced by the widows are identical. The difference in the cause of the death, however, has resulted in difference in the value of the pension.*

19. *The object of maintaining the widow in the commune of the family remains the same which is the cause for the exception carved out in Regulation 219.*

20. *It is no doubt true that Regulation 212 is based on the Administrative Instructions as incorporated therein. Here, remarriage disentitles her to pension. Similarly, Regulation 216 under the heading of 'Special Family Pension' also refers to family pension. No doubt, the first sentence of Regulation 219 does make a reference to Regulation 216, but that is in the context of the number of heirs specified therein which include not only heirs as enlisted in Regulation 216, but also under Regulation 212 - (Regulation 212 having more restricted number of heirs). The case of the widow falls under the heading 'General'. The disqualification in case of a widow, who is remarried, is qualified by the condition that as long as she is remarried to the brother of the deceased husband and continues to live a communal life and / or contributes to the*

support of the other living eligible heirs, she would not be disentitled to pension. We see no reason why this principle should not equally apply to the ordinary family pension under Regulation 212 and should be restricted only to special family pension under Regulation 216. A contrary view would result in an arbitrary distinction which would be hit by Articles 14 and 21 of the Constitution of India.

21. Learned Counsel for the respondents did seek to emphasize that the PPO issued to the petitioner itself provided for the restriction, but then if the PPO is contrary to the Regulations being the Administrative Instructions, it cannot hold fort. It can also not be lost sight of that these Regulations were Administrative Instructions are for guidance of the Authorities and does not really have a statutory force. There can be no rationale differentia much less intelligible differentia between the widow in receipt of a special family pension and an ordinary family pension so far as her lack of disqualification on remarriage to the brother of the deceased husband is concerned. This view is fortified by the pronouncements of the Punjab & Haryana High Court referred to aforesaid. We are inclined to follow the same line.

22. We are, thus, of the considered view that the petitioner is entitled to the ordinary family pension since she has married only the brother of her deceased husband and falls within the 'exception' category. However, in view of the delay on the part of the petitioner in approaching the Court, it is not possible to direct payment of arrears to the petitioner beyond the period of three years prior to the date of filing of the petition which is 25.03.1995 and, thus, the petitioner would be entitled to the said ordinary family pension from April, 1992 onwards.

23. A writ of mandamus is issued directing the respondents to pay ordinary family pension to the petitioner and to make payment of the arrears from 01.04.1992 till the date of filing of petition within a period of three months from the date of the judgment.

28. Thus, we find that the aforesaid issue is no longer res integra in view of the judgement of the *Hon'ble Delhi High Court* in *Kashmiro Devi (supra)*, with the same been followed by the *Principal Bench* of this Tribunal in *Smt. Saroj Devi & Ors. UOI & Ors.* [OA No. 187/2009; Date of judgement: 04.08.2010] and *Regional Bench Chandigarh* of this Tribunal in *Smt Gurdip Kaur v. UOI & Ors* [OA No. 316/2012; Date of judgement: 12.03.2014].

29. While the legal issue pertaining to entitlement of Ordinary Family Pension is settled herein above, the conferment of such

entitlement in factual matrix wherein there is birth of a son prior to remarriage has been addressed by this Tribunal in Smt Gurdip Kaur (supra), of which Para 16 addresses the aforesaid concern herein as under:

16. In view of the various judgment of Hon'ble Punjab & Haryana High Court as well as the judgment of Hon'ble Delhi High Court in Smt. Kashmiro Devi's case, it is clear that the widow is entitled for ordinary family pension even after remarriage provided she remarries with the real brother of deceased husband. In the present case the petitioner has remarried Nirvail Singh who is the real brother of her husband and as such her entitlement for ordinary family pension is there.

17. Since after remarriage of the petitioner with Nirvail Singh the ordinary family pension was allowed to her daughter Kumari Jinni hence the petitioner is not entitled for any ordinary family pension till Kumari Jinni was married on 05.01.1999.

18. This is one aspect of the matter.

19. The another aspect of the matter is that the second husband of the petitioner namely Nirvail Singh also died on 19.08.1998 which fact has not been denied by the respondents in their reply and as such the petitioner has again reverted to the status of a widow and is entitled to ordinary family pension even under the provisions of Army Instruction 51 of 1980 as reproduced above.

20. In view of the above we hold that the petitioner is entitled to ordinary family pension from 06.01.1999 when the marriage of Kumari Jinni took place. In view of the provisions of Section 22 of the Pension Regulations for the Army, 1961 and as discussed in detail by this Tribunal in a bunch of cases led by OA 722 of 2013 Kishori Lal Versus Union of India & others, decided on 12.02.2014 limitation for approaching the Tribunal is six months. Hence, the arrears are to be restricted to six months prior to the filing of the petition.

21. The petition is allowed. The petitioner is held entitled for the ordinary family pension since when it was stopped after the marriage of Kumari Jinni i.e. 06.01.1999 but the arrears are restricted to six months prior to filing of the petition i.e. 06.02.2012.

30. On a perusal of factual scenario, we note that the son was born on 21.02.2002, and the applicant remarried the real brother of the deceased husband on 11.02.2018 i.e. the date on which the ordinary family pension was stopped. Her son is being granted pension from 10.05.2018, and is entitled for grant of ordinary

family pension till he completes his 25 years of age which is 21.02.2027.

31. Thus, in view of the aforesaid analysis, and the law laid down by this Tribunal in Smt Gurdip Kaur (supra), we are of the considered opinion that the applicant widow will be entitled to restoration of her ordinary family pension wef the date on which her son completes his 25 years of age. Beyond the time her son completes the age of 25 years of age, she shall continue to be eligible for grant of OFF.

32. Accordingly, respondents are directed to process the same alongside sanction with effect from the date of entitlement of the applicant, and issue necessary PPO immediately, failing which, the applicant shall be entitled to interest @ 8% per annum from the date of her entitlement till the date of actual payment.

33. Noting that the restoration of the ordinary family pension to the applicant will be made at a later date from now, the question of restriction on arrears does not arise.

34. Before parting, we note that the son of the applicant is entitled for grant of Ordinary Family Pension since 11.02.2018 which is the next day of the remarriage of the applicant. However, it has been submitted by the Respondents vide Para 5 of their Counter Affidavit filed on 16.01.2019 that the documents of applicant's son have not been submitted to Artillery Records through Zila Sainik Welfare Office for grant of Ordinary Family

Pension to the son. Hence, the same may be advised to the son through the applicant to submit the required documents Zila Sainik Welfare Office for process of the claim.

35. In view of aforesaid analysis, this OA 1479/2018 is disposed of in terms of above directions.

36. Pending miscellaneous application(s), if any, stand closed.

37. No order as to costs.

Pronounced in the open Court on 20th day of March, 2025.

**(JUSTICE RAJENDRA MENON)
CHAIRPERSON**

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

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