

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

88.

OA 2181/2025

Sunita Devi Wd/o

Late NK Vishwajit Kumar

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For Applicant : Mr. Indra Sen Singh/Nasir Mohammad,
Advocates

For Respondents : Ms. Jyotsna Kaushik, Advocate

CORAM

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

ORDER
14.08.2025

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, the applicant, widow of late Nk Vishwajit Kumar, has claimed grant of liberalized family pension w.e.f. the date of death of her husband. She claimed liberalized family pension on the ground that her husband suffered an injury while in operation and she is entitled to the same by virtue of the provisions of MoD Letter No. 1(2)/97/1/D (Pen-C) dated 31.01.2001.

2. When the matter was taken up for consideration on 25.07.2025, we found from the pleadings available on record that the office of the Adjutant General of Manpower and the competent authority had already issued the battle casualty certificate and processed the claim for grant of liberalized family pension. However, the issue was pending before the PCDA (P),

Prayagraj. On 25.07.2025, we directed the representative from the office of PCDA (P), Prayagraj to seek instructions and indicate as to why liberalized family pension had not been granted to the applicant. Today, when the matter was taken up, the representative from the office of PCDA (P), Prayagraj produced before us a communication dated 14.08.2025 written to the OIC Legal Cell seeking certain clarifications and details from the Record Office along with documents.

3. We have gone through the documents and other materials available on record and we find that the husband of the applicant, Nk Vishwajit Kumar,, was enrolled in the Army (Bihar Regiment) on 28.06.1991 and while serving in the Infantry Battalion 8 Bihar Regiment in Gurez Sector of Jammu and Kashmir, which is a notified operational area and the Line of Control (LOC) in high altitude in 'Op Rakshak', he suffered an injury while conducting area domination patrol in the avalanche prone area. Due to the severe head injury sustained by slipping from the high altitude into a deep *naala*, he suffered the injury, and detailed reports and documents have been brought on record.

4. From the records we find that after analyzing the case of the applicant's husband, a battle casualty certificate was issued by the competent authority i.e. from the office of the Additional Directorate General of Manpower (Policy & Planning) MP, 5 (D) Adjutant General's Branch Integrated HQ of MoD (Army) produced on 25.04.2022 vide Annexure A5, and in Column (f)

the nature, date and cause of death had been indicated, i.e., that the individual died on 02.06.2009 while on operational duty in Gurej Sector in Op Rakshak (Jammu and Kashmir), and it has been certified that it is a case of battle casualty. Thereafter, communications were made vide Annexure A6 onwards stating that the cause of death was accidental fall while carrying out area domination patrol duty in the operation in question, which is a notified area. The MoD had laid down various policies for grant of liberalized family pension and declaration of battle casualty, and after analyzing the case of Nk Vishwajit Kumar in the backdrop of these policies, vide Annexures A8, A9, the statement of the case and other documents, it was indicated that it is a case of battle casualty and that the applicant Sunita Devi, widow of late Nk Viswajit Kumar, is entitled to liberalized family pension. Finally, the matter was forwarded to the JDGDA (P) on 10.01.2024, which forwarded the matter to the PCDA (P) Prayagraj, as indicated in our order passed on 25.07.2025.

5. Now, instead of settling the claim of the applicant and issuing PPO for grant of liberalized family pension, it is seen that the authorities are communicating with each other and are not finalising the matter. However, from the documents available on record, the battle casualty certificate issued, and the documents available from Annexures A3 to A11, we find that at various levels the case had been examined and the finding recorded is that late Nk Viswajit Kumar sustained the injury while on operational duty, i.e., performing anti-infiltration operation on

the LoC, he was working in the notified operational area of Op Rakshak in the State of J & K, and the casualty has been declared as a battle casualty.

6. Taking note of all these, we are of the considered view that the grant of benefit to the widow of the applicant should not be delayed. There are enough materials available on record to decide the issue, and now seeking any further clarification and details is not necessary, and we see no reason to adjourn the matter for that reason. Taking note of the facts as have come out on record, we allow this application directing the respondents to release liberalized family pension to the applicant herein w.e.f. 03.06.2009 along with arrears, restricting it to three years prior to the date of filing of the present application, and interest @ 8% per annum within three months from the date of receipt of a copy of this order. That apart, as per letter dated 04.06.2010 (Annexure A16), the applicant has already been paid an amount of Rs.10,00,000/- by way of interim measure.

7. With the aforesaid, the application stands allowed. No order as to costs.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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