

138/2023

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

OA 47/2023

Smt Meenal Chauhan wife of Applicant
Late Maj Pradeep Singh Chauhan
Versus
Union of India and Ors. Respondents

For Applicant : Mr. S S Pandey, Advocate
For Respondents : Mr. Anil Gautam, Sr. CGSC

CORAM

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

ORDER

1. The applicant has approached this Tribunal by way of the present Original Application praying for grant of Liberalised Family Pension and Ex-Gratia benefits consequent upon the death of her husband, who was serving as an officer of the Indian Army.
2. The undisputed fact, as borne out from the records including the Court of Inquiry, Death Certificate, and Initial Reports of 4 MAHAR (BORDERS), is that the husband of the applicant died on 08.06.2017 due to a head injury sustained after a fall from a civil-hired mule while proceeding from Ardhkunwari to Katra.
3. While examining the documents placed on record, we find that the signal issued by 4 MAHAR (BORDERS)

dated 08.06.2017 had initially classified the incident as a "*Physical Casualty*", and recorded the deceased officer's casual leave period from 08.06.2017 to 11.06.2017. However, an amendment issued on the same date (08.06.2017) by the same unit revised the leave particulars, stating that the officer was on casual leave for 15 days from 29.05.2017 to 12.06.2017. The leave certificate dated 28.05.2017 (placed at page 73 of the OA) also reflects that the deceased officer had been sanctioned casual leave from 29.05.2017 to 12.06.2017.

4. The applicant, on the other hand, in her representation at Annexure A-8, has consistently contended that her husband was sanctioned only three days casual leave from 08.06.2017 to 11.06.2017 and that he was en route on such casual leave when he visited Mata Vaishno Devi Shrine, where he unfortunately suffered the fatal accident.

5. In light of these contradictory records and averments, we are of the considered view that the respondents must reconfirm the leave particulars of the deceased officer at the material time and thereafter reconsider the claim of the applicant for grant of Liberalized Family Pension and Ex-Gratia on merits.

6. Accordingly, the respondents are directed to:-
- (a) Verify and confirm the correct period of leave granted to the deceased officer immediately prior to his death; and
 - (b) Re-examine the applicant's claim for Liberalised Family Pension and Ex-Gratia in the light of such verification and in accordance with applicable rules, policies, and law.
7. The above exercise shall be completed within a period of three months from the date of receipt of this order.
8. With the aforesaid directions, the Original Application stands disposed of. It is clarified that in the event the applicant remains aggrieved after such reconsideration, she shall be at liberty to seek redress in accordance with law.

Pronounced in the open Court on 12 day of September 2025.

(JUSTICE RAJENDRA MENON)
CHAIRPERSON

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

Akc/-