

COURT No.3
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA 1299/2022 with MA 2355/2022

Smt Leela Pandey W/o Late Ex Sgt JC Pandey Applicant

VERSUS

Union of India and Ors. Respondents

For Applicant : Mr. Ajit Kakkar, Advocate
For Respondents : Mr. Arvind Patel, Advocate
Mr. Pankaj Kr. Yadav, OIC, Legal Cell

CORAM

HON'BLE MS. JUSTICE NANDITA DUBEY, MEMBER (J)

HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER

Invoking the jurisdiction of this Tribunal under Section 14, the applicant has filed this application and the reliefs claimed in Para 8 read as under:

“(a) To direct the respondents to bring all service documents of the applicant's late husband including his service record with advance copy to the applicant.

(b) To direct the Respondents to grant family pension to the Applicant w.e.f. 21.11.2017.

(c) To direct the Respondents to grant all consequential benefits and arrears to the Applicant in accordance with the existing regulations.

(d) To grant such other relief appropriate to the facts and circumstances of the case as deemed fit and proper.”

BRIEF FACTS

2. Briefly stated, the late husband of the applicant i.e. Ex Sgt Jagdish Chandra Pandey joined the Indian Air Force on 30.06.1949.

His first wife died in the year 1966, whereafter he married the applicant (his second wife) on 04.03.1970, three months prior to his discharge from regular service on 30.06.1970.

3. It is claimed that the Ex Sgt was drawing service pension until his demise on 21.11.2017, however after his death, the pension was stopped. On enquiring from the Bank, the applicant was informed that her name was not updated in the service records or the Pension Payment Order (PPO) for family pension. She, therefore, made a representation dated 15.02.2019 to the respondent No. 4 & 5 to endorse her name as Next of Kin (NOK) in the records for disbursement of family pension. However, her request was denied *vide* the impugned Order dated 18.02.2022.

4. Aggrieved thereby, the applicant has preferred the present Original Application.

CONTENTIONS OF THE PARTIES

5. The Learned Counsel for the Applicant submitted that she is the legal wife of the late air veteran and is entitled to family pension under Regulation 192 of the Pension Regulations for the Air Force, 1961. It was further submitted that despite producing various documents, her claim was wrongly rejected by the authorities.

6. *Per contra*, learned counsel for the respondents contended that upon receiving the representation, the applicant was requested to provide supporting document such as a marriage certificate and photographs to establish her marriage to the late Ex-Sgt. However, the applicant failed to produce any authentic documentation to prove her status as the legal wife of the deceased. It is submitted that an investigation into the applicant's background revealed that she is 93 years of age and 100% blind. Furthermore, she is a retired headmistress and the owner of a multi-storey hotel. She has only one daughter, Deepa Pandey, who is a lecturer at a private college and is married to H.C. Joshi, an Inspector in the Uttarakhand Police.

7. Learned counsel for the respondents further pointed out that the late air veteran, at the time of his discharge from the Indian Air Force on 30.06.1970, submitted discharge papers naming Smt. Shusheela Rani as his wife and Next of Kin (NOK). It is further submitted that, as per official records, a child was born from the wedlock between the air veteran and his first wife, however, in the details provided to the respondents, the applicant had made no mention of this child.

8. Learned counsel further submitted that there are significant discrepancies in the documents produced by the applicant, none of

which were issued by the Air Force authorities. Given these facts and circumstances, the applicant has failed to establish her claim for family pension, and the claim was, therefore, rightly rejected. The records remains consistent that the late air veteran, upon his discharge in 1970, formally recognized Smt. Shusheela Devi as his legally wedded wife and NOK.

ANALYSIS

9. Heard learned counsel for the parties and also perused the material available on record.

10. The applicant claims to have married the air veteran in March 2017, however, at the time of his discharge in June 1970, the air veteran had mentioned Smt. Shusheela Devi (his first wife) as his next of kin (NOK) in the discharge papers. Had his first wife been deceased and had he remarried the applicant, he would have mentioned the name of the applicant as his NOK instead of Smt. Shusheela Devi. Neither at the time of discharge nor during his lifetime did the air veteran ever attempt to update or record the name of the applicant in his official records.

11. Furthermore, there is discrepancy in the documents submitted by the applicant wherein she had mentioned the family details, the date of death of Smt. Shusheela Rani is mentioned as 1968, whereas

in her own affidavit dated 30.06.2021, the date of death is stated as 25.08.1966. No death certificate has been produced by the applicant to establish the correct date of death of the first wife. In view of these discrepancies, the veracity and genuineness of the affidavit of the applicant itself is doubtful.

12. Furthermore, as per the personal details submitted by her, the applicant claimed to have married the air veteran on 04.03.1970, and her marital status prior to the said marriage is mentioned as "UNMARRIED." However, the date of birth of her daughter, Dr. Deepti Pandey, is recorded as 27.05.1965, as per the Aadhaar/PAN cards submitted by the applicant. There is no authentic marriage certificate or photographs on record, the only document submitted by the applicant in this regard is an undated certificate issued by a Sabhasad, Nagar Palika Parishad, Nainital, which cannot be relied upon.

13. There is not a single authentic document on record that could establish that the applicant is the legally wedded wife of the late air veteran.

14. In view of the facts and circumstances of this case and the numerous discrepancies in the evidence produced by the applicant,

we do not find that the respondents have committed any mistake in rejecting the application of the applicant.

15. In light of the foregoing, this Tribunal is of the opinion that the OA deserves to be dismissed.

16. The OA is accordingly dismissed for lack of merit.

17. No order as to costs.

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

Pronounced in open Court on 4th day of February,
2026.

(JUSTICE NANDITA DUBEY)
MEMBER (J)

(RASIKA CHAUBE)
MEMBER (A)

/SJ/