

**ARMED FORCES TRIBUNAL  
REGIONAL BENCH  
JABALPUR**

17 July 2023

**CORAM :**

**HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE LT GEN GOPAL R, MEMBER (A)**

**MA 130/2023 with RA 03/2023 in OA 14/2020**

**Union of India**

Through OIC Legal Cell,  
44, Wing Air Force, Air Force Station,  
Sonegaon Nagpur (M.H.)-05

.....Applicant

**Versus**

**Smt Subhagwati Patel, W/o Shri Rajeev Lochan Patel,  
M/o No 945079 Late LAC Rajnikant Patel,  
R/o House No 13/13, Manas Nagar,  
Tahsil Huzur, District Rewa (MP).**

.....Respondent

**For Applicant : Mr Vikram Singh, CGSC**

**For Respondent : Mr KC Ghildiyal, Sr Advocate with Mr HC Singh,  
Advocate**

**ORDER**

**MA 130/2023**

For the reasons carved out, delay in filing the review application is condoned.

MA stands disposed of.

RA 03/2023

1. The Review Application has been preferred by the UOI on the ground that, wholly dependent parents (in the ibid case Smt Subhagwati Patel, mother of No 945079 Late LAC Rajnikant Patel) is only entitled to Ordinary Family Pension at 30% of the Basic Pay of the deceased, as per provisions of MoD letter No B/38207/AF/PS4 (B)/931/B/D (Pen/Serv) dated 26 August, 1988 and that this Tribunal had erred by granting the NoK Enhanced Ordinary Pension as per provisions of Para-4 of the GOI MoD F. No. 14 (02)/2019/D(Pen)/Pol dated 15.10.2022.
2. The core of the issue is, who all come under the definitional aspects of '**family**'. As per Para No.13.2 (b) of MoD letter No.1(6)/ 98/D (Pensions/Services) dated 03 February 1998, the definition of family for the purpose of **Ordinary Family Pension** shall include "*Parents who were fully dependent on the Armed Forces Personnel when he/she was alive provided the deceased employee had left behind neither a widow nor a child (Clarificatory orders in regard to determining dependency criteria in case of parents shall be issued separately)*". The subsequent MoD letter No B/38207/AF/PS4 (B)/931/B/D (Pen/Serv) dated 26 August 1988 is related to Government's acceptance of grant of **Ordinary Family Pension** to wholly dependent parents of deceased Government Servants with **dependency criteria specified in terms of income limits**.
3. As per Para 4 of the GoI MoD letter No. 14 (02)/2019/D(Pen)/Pol dated 15.10.2022, Enhanced rate of Ordinary Family Pension has been made applicable to '**family**'. As under the definitional ambit of '**family**' the dependent parents fall and Smt Subhagwati Patel, mother of late

LAC Rajnikant Patel, who is already in receipt of Ordinary Family Pension, is entitled for Enhanced rate of Ordinary Family Pension, with effect from 01 October 2019, as per provisions of MoD letter dated 15.10.2022 (supra). There is no error apparent on the face of the record. Hence, the RA is dismissed.

4. No order as to costs.

**(JUSTICE RAJENDRA MENON)**  
CHAIRPERSON

**(LT GEN GOPAL R)**  
MEMBER (A)

*A/L*