

**ARMED FORCES TRIBUNAL  
REGIONAL BENCH  
JABALPUR**

**20 July, 2023**

**CORAM :**

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

**34.**

**OA 54/2022**

**No. 14448447Y Smt. Manoj Devi  
W/o L. Nk Late Shri Gajendra Singh (Retd)  
R/o Village Vijaypura, P.O. Giggora,  
Tehsil : Mehagaon, District Bhind (HP).**

**.....Applicant**

**Versus**

- 1. Union of India,  
Through Defence Secretary,  
MoD, Govt of India, New Delhi-110011**
- 2. The Commanding Officer  
322 Field Regiment  
C/o 56 APO**
- 3. SBI,  
Through Divisional Manager,  
Lashkar Road Bhind.**
- 4. SBI  
Branch Manager Local Head Office  
Hoshangabad Road Bhopal, MP – 462011**

**.....Respondents**

**For Applicant** : Mr GP Chaurasiya, Mr. AK Chaurasiya  
and Mr. AK Yadav, Advocates

**For Respondents No. 1 & 2** : Mrs Kanak Gaharwar, CGSC  
**For Respondents No. 3 & 4** : Mr Vijay Tripathi, Advocate.

O R D E R

1. The OA has been filed by the widow of late No 14448447Y L/Nk Gajendra Singh of 322 Field Regiment. The applicant's husband had died on 24.01.2019 while driving a military vehicle, due to heart attack. The late soldier had been drawing his salary from SBI and was a Defence Salary Package (DSP) Account Holder.
2. Certain facilities were provided to DSP account holders by the Bank including Personal Accident Insurance (Death) Cover ranging from Rs 5 to Rs 20 lakhs depending upon the classification of the DSP Account. The widow on demise of her husband had approached the Bank authorities for release of the insurance amount including issue of legal notice as no response had been received from the concerned Bank.
3. The widow had also filed a WP No 13660/2021 before Hon'ble High Court of Madhya Pradesh, Gwalior Bench which had disposed off the WP with direction to utilize alternate remedy available by approaching this Tribunal.
4. From documents placed on record by the Applicant as well as Respondents, it clearly emerges that the death of the soldier was due to Heart Attack and was not due to any accident. Cause of death due to heart attack in no way can be construed as a death due to accident, a fact that had been clearly brought out by Respondent No 3. As a part of DSP, the Bank had only extended, Personal Accident Insurance (Death). Hence the claim of the widow is untenable.
5. The subject matter being part of the DSP which was between the late soldier and the Bank and cannot be construed as a service matter, in which this Tribunal can exercise judicial review and is also not maintainable.
6. The OA is **disposed off**. No Order as to cost.

(LT GEN GOPAL R)  
MEMBER (A)

(JUSTICE RAJENDRA MENON)  
CHAIRPERSON