

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI**

O.A.NO.55 OF 2011

THURSDAY, THE 15TH DAY OF DECEMBER, 2011/24th AGRAHAYANA, 1933

CORAM:

HON'BLE MR. JUSTICE A.C.ARUMUGAPERUMAL ADITYAN, MEMBER (J)

HON'BLE LT.GEN.THOMAS MATHEW, PVSM, AVSM, MEMBER (A)

RADHA.P., AGED 49 YEARS,  
MOTHER OF LATE NO.15176936  
X GNR (SHGD) RAJESH. Y,  
OF 22 ARTY BDE CAMP, VALIYATHARA KIZHAKKATHIL,  
RAJESH BHAVANAM, KRISHNAPURAM VILLAGE,  
NJAKKANAL P.O., ALAPPUZHA DISTRICT.

**APPLICANT**

BY ADV. SRI. T.R. JAGADEESH.

***versus***

1. UNION OF INDIA, REPRESENTED BY ITS  
SECRETARY, MINISTRY OF DEFENCE,  
SOUTH BLOCK, NEW DELHI-110 011.
2. THE CHIEF OF ARMY STAFF,  
INTEGRATED HEAD QUARTERS OF MOD (ARMY),  
DHQ P.O., NEW DELHI – 110 011.
3. THE O I C RECORDS, ARTILLERY RECORDS,  
NAASIK ROAD CAMP, M.S. 422 102.
4. THE PRINCIPAL CONTROLLER OF DEFENCE ACCOUNTS (PENSIONS),  
OFFICE OF THE P.C.D.A. (P), DRAUPADI GHAT,  
ALLAHABAD U.P. - 211 014.
5. YESODHARAN. N., VALIYATHARA KIZHAKKATHIL,  
RAJESH BHAVANAM, KRISHNAPURAM VILLAGE,  
NJAKKANAL P.O., ALAPPUZHA DISTRICT

**RESPONDENTS:**

**ORDER**

**A.C.A. Adityan, Member (J):**

The applicant has come forward with this application for family pension.  
The applicant is the mother of late GNR Rajesh, who had joined the Army on  
30.12.1986 and he died in a road accident on 8.5.2010 and according to the

applicant, there is no other dependant. But the applicant's husband (5<sup>th</sup> respondent) is an ex-soldier. Even though the applicant would contend that her husband has deserted her, she would admit that both the 5<sup>th</sup> respondent and the applicant are residing under the same roof. That is why after hearing the learned counsel appearing for the applicant, the matter is posted under the caption 'for withdrawal' today.

2. When the matter was taken up today, the learned counsel appearing for the applicant, relying on Regulation 5 of the Pension Regulations for the Army, 1961 (Part 1) would contend that case of the applicant can be sympathetically considered since her husband is mentally not sound. But the power under Regulation 5 of the Pension Regulations for the Army, 1961, Part I, vest with Her Excellency, the President of India. An endorsement is made by the learned counsel to withdraw the O.A.

3. Under such circumstances, the application, O.A. No.55 of 2011 is dismissed as withdrawn with a liberty to the applicant to approach the competent authority under Regulation 5 of the Pension Regulations for the Army, 1961, Part I, if so advised.

Sd/-  
LT. GEN. THOMAS MATHEW,  
MEMBER (A)

Sd/-  
JUSTICE A.C.A. ADITYAN,  
MEMBER (J)

DK.

(True copy)

Prl. Private Secretary

ARMED FORCES TRIBUNAL,  
REGIONAL BENCH, KOCHI.

O.A. No.55 of 2011

**ORDER**

DATED: 15.12. 2011