

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI

T.A.NO.147 of 2010

[W.P.(C) No.21539 of 2009 of the Hon'ble High Court of Kerala at Ernakulam]

WEDNESDAY, THE 14TH DAY OF DECEMBER, 2011/23RD AGRAHAYANA, 1933

CORAM:

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

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

1. PATHU CHAKKALAKUNNAN,
D/O. MOHAMMED CHAKKALAKUNNAN.
UNDOOKARA HOUSE, MANOOR, PONMALA POST,
TIRUR TALUK, MALAPPURAM DISTRICT,
KERALA STATE.
2. AMI CHAKKALAKUNNAN,
D/O. MOHAMMED CHAKKALAKUNNAN.
UNDOOKARA HOUSE, MANOOR, PONMALA POST,
TIRUR TALUK, MALAPPURAM DISTRICT,
KERALA STATE.

APPLICANTS/PETITIONERS:

BY ADV. SRI. M.V. BOSE.

versus

1. UNION OF INDIA, REPRESENTED BY ITS
SECRETARY, MINISTRY OF DEFENCE,
GOVERNMENT OF INDIA, CENTRAL SECRETARIAT,
NEW DELHI.

RESPONDENTS/RESPONDENTS:

2. SENA SEVA CORPS ABHILAKH (DAKSHIN),
REPRESENTED BY ITS PRINCIPAL OFFICER,
A.S.C. RECORDS (SOUTH),
BANGALORE – 560 007.

R1 & R2 BY SR. PANEL COUNSEL SRI. S. KRISHNAMOORTHY

ORDER

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

We heard the learned counsel appearing for the applicant and also the learned Senior Panel Counsel, Sri. S.Krishnamoorthy.

2. The applicants are alleged to be the children of one Mohammed Chakkalakunnan, an ex-army personnel, whose whereabouts are not known after 1947. According to the applicants, to substantiate the claim that their father was an Army personnel, they rely on a Driving Licence issued by the respondents in the year 1947. According to the applicants, their mother, who is no more, had applied for family pension, but the same was denied by the respondents. But, there is no material to show that after the missing of said Mohammed Chakkalakunnan neither their mother nor the applicants have taken any steps by way of Habeas Corpus petition before the High Court to procure his physical appearance. There is absolutely no FIR filed either by the Army or by the mother of the applicants while she was alive regarding the missing of Mohammed Chakkalakunnan. From the materials available, it is seen that the applicants were born after 1950.

3. Under such circumstances, we do not find any merit in this application and accordingly, T.A. No.147 of 2010 is dismissed. No costs.

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

DK.

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

(True copy)

Prl. Private Secretary

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ORDER

DATED: 14.12.2011