

**IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH,
GUWAHATI**

OA 29/2015

PRESENT

**HON`BLE MR. JUSTICE B.P.KATAKEY, MEMBER (J)
HON`BLE VICE ADMIRAL A.G.THAPLIYAL, AVSM & BAR, MEMBER (A)**

**Smt. Runu Borah,
W/o Late Nk Deba Kanta Borah.**

..... **Applicant.**

By legal practitioners for
Applicant.

**Mr. Ashim Chamuah,
Mr. P.P.Borthakur,
Mr. K.Ojha,
Mr. P.Bhuyan,
Mr. T.Madhukallya,
Ms R.Borah.**

-VERSUS-

- 1. Union of India,
Represented by the Secretary,
Govt. of India, Ministry of Defence DHQ
P.O.- New Delhi –110011.**
- 2. The Chief of Army Staff,
Integrated HQ of Ministry of Defence (Army),
DHQ, P.O. New Delhi- 110011.**
- 3. Officer-in-Charge Records,
Assam Regiment, Abhilekh Karyalaya,
Pin- 900332, C/o 99 APO.**
- 4. Zila Sainik Board, Nagaon,
Represented by Lieutenant Colonel,
Office of the Zila Sainik Board,
Nagaon – 782001, Assam.**

.....**Respondents.**

**Ms M.Bhattacharjee,
Proxy Counsel for
Mr. S.Bhattacharjee, CGSC.**

Date of hearing: 31.03.2016.

Date of Judgment & Order: 31.03.2016.

JUDGMENT & ORDER

(By B.P.Katakey,J.)

Heard Mr. Ashim Chamuah, learned Counsel for the applicant and Ms M.Bhattacharjee, learned Proxy Counsel for Mr. S.Bhattacharjee, learned CGSC, assisted by Col Anand, OIC, AFT Legal Cell, Guwahati.

2. The grievance of the applicant in the present application is that though the Govt. of India has taken a decision to grant a second pension with effect from September, 2012, vide Notification dated 16.01.2012, the same has not been granted to the applicant, who is the widow of Late Nk Deba Kanta Borah. It is the contention of the applicant that despite submission of the required documents, Zila Sainik Welfare Board, Nagaon has intimated the applicant that she is not entitled to get the benefit of double pension. Learned Counsel for the applicant, therefore, submits that the O.A. may be disposed of directing the respondent authority to pay the family pension to the applicant in respect of the services rendered by the applicant's husband.

3. Per contra, the learned Counsel appearing for the respondents submits that though the Zila Sainik Welfare Board, Nagaon, has been informed, with copy to the applicant, to submit certain documents, the same having not been submitted, no decision could be taken by the Army authority on the prayer made by the applicant for grant of the second family pension, in view of the Govt. of India decision in that regard. It has also been submitted that as soon as the required documents are submitted through Zila Sainik Welfare Board, Nagaon, the same shall be considered by the Army authority and necessary order would be passed.

4. It is the contention of the respondents that the following documents are required to be submitted for consideration of the applicant's prayer for grant of second family pension:

- (i) The original copy of the affidavit.
- (ii) The original copy of the School Leaving/Transfer Certificate.

(iii) Duplicate Birth Certificate issued by the President of the concerned Gaon Panchayat.

(iv) The marriage certificate issued by the President of the concerned Gaon Panchayat.

5. Without going in to the dispute as to whether the applicant has already filed these documents, since the respondents contended that due to non-submission of the aforesaid documents pertaining to the applicant, the request for grant of second family pension could not be considered by the Army authority, we disposed of the O.A. with the following directions:

- (i) The applicant shall, within a period of one month from today, submit the aforesaid 4 (four) documents pertaining to her to the Army authorities through the Zila Sainik Welfare Board, Nagaon, with advance copy to the Record Officer, Assam Regiment, C/o 99 APO, Happy Valley, Shillong.
- (ii) The Zila Sainik Welfare Board, Nagaon, within a week from the date of receipt of the aforesaid documents shall forward the same to the Record Officer, Assam Regiment, C/o 99 APO.
- (iii) The Record Officer, Assam Regiment, C/o 99 APO, within a month thereafter shall pass necessary order having regard to the aforesaid documents and also the Pension Book of the Army issued to the applicant. The order, that may be passed, shall immediately be communicated to the applicant.

Needless to say, if the applicant is found to be entitled to the family pension, in terms of the Govt. of India's decision circulated vide Notification dated 16.01.2013, the same shall immediately be paid with arrear from 01.01.2013 which shall carry interest @ 9% per annum till the date of payment.

6. The O.A. is accordingly disposed of. No costs.

MEMBER (A)

MEMBER (J)

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