

IN THE ARMED FORCES TRIBUNAL**REGIONAL BENCH, GUWAHATI****OA- 15/2017****PRESENT****HON`BLE MR. JUSTICE B.P.KATAKEY, MEMBER(J)
HON`BLE VICE ADMIRAL MP MURALISHARAN, MEMBER (A)**

1. Smt Bhanu Das
Wife of Lt. Jaduram Das,
C/O Shri Basanta Kr. Deka,
Beltora Tiniali, Bisnu Rabha Path,
Bye Lane No.3, House No.7, near
Riddhi Siddhi Apartments, PO
Beltola, PIN -78100, Guwahati, Assam.

2. Miss Nabanita Das
Daughter of late Jaduram Das, C/o
Shri Basanta Kr. Deka, Beltola Tiniali,
Bishu Rabha Path, Bye lane No.3
House No.7 near Riddhi Siddhi Apartments
PO Beltola Pin Guwahati, Assam.

2. Sri Jayanta Das
Son of late Jaduram Das, C/o
Shri Basanta Kr. Deka, Beltola Tiniali,
Bishu Rabha Path, Bye lane No.3
House No.7 near Riddhi Siddhi Apartments
PO Beltola Pin Guwahati, Assam.

..... **Applicants.**

**By legal practitioners for
Applicants.**

Mr. H.K. Das

-VERSUS-

1. Union of India,
Represented by the Secretary,

Govt. of India, Ministry of Defence MoD),
South Block, New Delhi – 110011.

2. The Chief of the Army Staff
Integrated HQ of Ministry of Defence(Army) DHQ
Sough Block PO New Delhi Pin 110 011.
3. The Administrative Officer
Garhwal Rifles Center, Record Office, Lansdown
District Pouri Garhwal, Uttarakhand PIN 246 155.
4. The Principal Controller of Defence Accounts (Pension)
Draudadhi Ghat Allahabad, PIN 211014 , Uttar Pradesh.
5. The Zila Sainik Board.
Kamrup represented by Lt Col .O/O the Zila Sainik Board
Kamrup, Assam.

..... **Respondents**

**By Legal Practitioner for the
Respondents**

C. Baruah, CGSC

Date of Hearing : 25.05.2017

Date of Order : 25.05.2017

ORDER

(B.P.Katakey,J)

The applicant No.1, who is admittedly the second wife of late Havildar Jaduram Das, who retired from the Indian Army on 31.12.1989 and the applicant Nos. 2 and 3, who claim to be the children of late Havildar Jaduram Das, have filed this application praying for a direction to the respondent authorities

to include the names of the applicant Nos. 2 and 3 in part II Order so as to get family pension payable to them.

[2] We have heard Mr.H.K.Das, learned counsel for the applicants and Mr. C.Baruah, learned CGSC appearing for the respondents.

[3] Mr. Das learned counsel appearing for the applicants referring to the averments made in the counter affidavit filed and also the communication dated 24.2.2016 issued to the applicant by the Records Officer, OIC Records ,Garhwal Rifles, has submitted that since the respondents are not against inclusion of the names of the applicant Nos. 2 and 3 in Part II Order and for granting family pension payable to them subject to verification of the particulars to be submitted, the OA may be disposed with a direction to the respondents to pay the same. It has also been submitted that that pursuant to the aforesaid communication though the applicant made an attempt to submit all the required documents to the Records through Zila Sainik Board, Kamrup District on 03.05.2017, the Zila Sainik Board has refused to accept the same and consequently, the said documents could not be submitted to the Records. The learned counsel submits that the applicant may be permitted to

re-file the same before the Zila Sainik Board and the Zila Sainik Board may be directed to forward the same to the Records.

[4] The learned counsel appearing for the respondents on the other hand submits that the Records would definitely verify the claim of the applicant Nos. 2 and 3 and if it is found that they are children of late Havildar Jaduram Das, necessary order would be passed for inclusion of their names in Part II Order . It has also been submitted that the respondent authority for that purpose issued the aforesaid communication dated 24.02.2016 to the applicant but till date the Records have not received any reply either from the applicant or from the concerned Zila Sainik Board to do the needful in this regard. .

[5]. Having regard to the aforesaid submissions advanced by the parties, we dispose of the OA in terms of the following orders:

(a) The applicants within 15 days from today shall file all necessary documents before the Zila Sainik Board, Kamrup District, pursuant to the aforesaid communication dated 24.02.2016 issued by the Records.

(b) The Zila Sainik Board, Kamrup, within a fortnight from the date of receipt of the said

documents from the applicants shall carry out necessary verification and send the same to Records, Garhwal Rifles.

(c) The Records, Garhwal Rifles, within one month from the date of receipt of the same shall take necessary decision and pass necessary order relating to the claim of the applicant Nos. 2 and 3 for inclusion of their names in Part II Order so that they get family pension, if otherwise they are entitled to the same.

(d) The applicants shall immediately be communicated about the order that may be passed by the Records, Garhwal Rifles, in that regard.

[6]. The OA is accordingly disposed of. No costs.

MEMBER (A)

MEMBER (J)

MC

