

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

OA 32-2017

Smti Asari Parihar

..... Applicant.

By legal practitioners for
Applicant.

Mr.A.R.Tahbildar

-VERSUS-

Union of India & ors

..... Respondents..

By Legal Practitioner for the
Respondents

Mr.N.Baruah,CGSC

PRESENT

**HON'BLE MR. JUSTICE V.K.SHALI, MEMBER (J)
HON'BLE LT GEN C.A.KRISHNAN, MEMBER (A)**

25.10.2017

1. This is a case where the husband of the applicant has stated to have gone missing in the year 2010. The applicant has approached the respondents for payment of family pension in terms of the instruction issued by the MOD where, after expiry of one year the family pension was payable to the wards of the missing persons. Under the Evidence Act a presumption of death of a missing person is made if he has not been heard for 7 years. Even those 7 years have passed in the instant case, still the benefit of the family pension has not been accorded to the applicant.
2. The respondents have filed counter affidavit and stated that Pension Payment Order has been issued.
3. Be that as it may, the fact of the matter remains that the benefit of the family pension has not percolated to the applicant.

4. Respondents are accordingly directed to ensure that the family Pension is paid/credited to the Pension account of the applicant positively on or before the next date of hearing failing which the Officer In charge of PCDA(A) shall be personally present before the Court with the records of the missing person.
5. We have been informed by the learned counsel for the applicant that he was required to comply with certain formalities which has already been done by the applicant.
6. List the case on 11.01.2018.
7. Order dasti.

MEMBER(A)

MEMBER(J)

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