

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

OA-37/2024

Smt Imlinikenla

..... Applicant

By legal practitioners for Applicant
Supongwati Walling
R Atsula Kips

-Versus-

UOI & Ors

..... Respondents

By legal practitioner for Respondents
Dipanjali Bora, CGSC

CORAM:

**HON`BLE MR. JUSTICE UMESH CHANDRA SHARMA, MEMBER (J)
HON`BLE LT GEN C.P. MOHANTY, MEMBER (A)**

ORDER

1. The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs :-

- (i) *Quash and set aside the impugned office letter dated 10.01.2021 written by SRO, for OIC Records, Army Medical Corps Officer.*

- (ii) *To pay family pension to the applicant, widow of No. 6791465 Late Suponglemba Ex Sep, Army Medical Corps from 06.11.2020 onward with penal interest,*
- (iii) *Cost of the application,*
- (iv) *Any other relief(s) the Hon'ble Tribunal may deem fit and proper.*

2. Briefly stated, the facts of the case are that, the applicant is the second wife of her late husband No. 6791465 Late Suponglemba who was enrolled in the Indian Army at Army Medical Corps on 10.10.1957. The applicant's husband retired on 20.10.1973 after rendering 15 years, 3 months and 10 days of service. Accordingly, service pension was granted vide PPO No. S/4988/73 dated 21.01.1973. The applicant's husband died on 06-11-2020 due to illness. After the death of her husband, the applicant approached the Principal District & Sessions Judge, Kohima, Nagaland for Succession Certificate and on 25.10.2022, the Court issued Succession Certificate in favour of the applicant. The applicant got lawfully married to her late husband after the death of his first wife Smt Imerila and that too after 13 years of his retirement. The Additional Deputy Commissioner, Mangkolemba, Nagaland vide order

dated 17 Apr 2023 certified that the applicant Shri Suponglembe was lawfully married to her deceased husband on 23 Mar 1992. Smt Sendenmongla is the daughter of the couple. The applicant has submitted application dated 18.11.2020 for grant of family pension by submitting the relevant documents before the concerned authority. However, the family pension to the applicant has not yet been granted. Being aggrieved, the applicant has approached this Tribunal by filing the present OA.

3. Ms. R Atsula Kips, learned counsel for the applicant has submitted that the applicant is the widow of the deceased No. 6791465 Late Suponglemba, AMC. The deceased was enrolled In the Indian Army on 10.10.1957 in AMC and was retired from service on 21.10.1973 after rendering 15 years, 3 months and 10 days of service. He was granted service pension and expired on 06.11.2020. The applicant was the second wife of the deceased husband, who married her after the death of his first wife. Consequent to her husband's death, the applicant was issued Succession Certificate on 25.10.2022 by the Principal District and Sessions Judge, Mangkolemba, Nagaland. The additional Deputy

Commissioner, Mangkolemba, Nagaland vide order dated 17 Apr 2023 certified that the applicant was lawfully married to her deceased husband on 23 Mar 1992. Smt Sendenmongla is the daughter of the couple. It is submitted that the applicant is entitled to family pension, but the respondent authorities have been delaying the same till date. Learned counsel for the applicant has relied upon the Judgment of Hon'ble Apex Court in the case of ***Raj Kumari Vs Krishna, 2015(14) SCC 511.*** Learned counsel has submitted that since the applicant is legally wedded wife of the deceased soldier, the respondents be directed for payment of family pension to the applicant w.e.f. 06.11.2020 onwards i.e since the date of death of her husband.

4. *Per contra*, Mrs Dipanjali Bora, learned CGSC appearing on behalf of the respondents has submitted that the applicant is the second wife of the deceased soldier. It is submitted that in the discharge roll in respect of the deceased soldier, the name of his wife has been mentioned as Smt Imerila. After the death of No. 6791465 Late Suponglemba, Smt Imlinukenla vide her personal application dated 18 Nov 2020 through Zila Sainik Welfare, Dimapur has approached Army

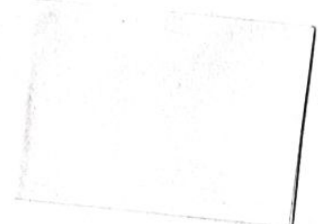
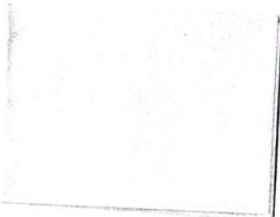
Medical Corps Records Office for grant of family pension claiming herself to be the wife of deceased Sepoy Suponglemba. The Records Office intimated that NOK (Smt Imlinukenla) is not recorded in the service records and for grant of family pension to NOK eligibility is to be established in service documents of the deceased pensioner. The applicant is the second wife of the deceased soldier. Learned counsel for the respondents has submitted that as the name of the applicant has not been found endorsed in service documents of the deceased soldier, she is not entitled for family pension in terms of para 68 of Pension Regulations for the Army 2008 (Part-I). Learned counsel for the respondents further submitted that the relief sought by the applicant in the instant OA is not feasible at this stage in terms of the existing rules and policies and hence the instant OA is liable to be dismissed.

Consideration

5. We have heard Ms Atsula Kips, learned counsel for the applicant and Dipanjali Bora, learned Central Govt. Standing counsel appearing for the respondents and considered the rival submissions.

6. It has been established on record that the applicant married with the individual after the death of his first wife. Consequent to her husband's death, Succession Certificate was issued to her on 25.10.2022 by the Principal District and Sessions Judge, Mangkolemba, Nagaland. The additional Deputy Commissioner, Mangkolemba, Nagaland vide order dated 17 Apr 2023 certified that the applicant was lawfully married to her deceased husband on 23 Mar 1992. Smt Sendenmongla is the daughter of the couple.

7. In view of the above legal and factual position, the Original Application is allowed, impugned office letter dated 10.01.2021 is quashed (Annexure-8) and the applicant is held entitled for family pension after the death of her husband on 06.11.2020. The respondents are directed to incorporate name of the applicant- Smt. Imlinikenla in place of Smt Imerila in the Army Record by publishing Part-II Order. Corrigendum PPO be issued and family pension be released to the applicant within three months from the date of receipt of certified copy of this order by learned counsel for the



respondents/OIC, Legal Cell. Arrears of family pension be also released within the said period, failing which they shall become payable with interest @ 6 % per annum.

8. There shall be no order as to costs.

Pronounced in the open Court on this 10th day of September, 2026.

(UMESH CHANDRA SHARMA)
MEMBER (J)

(LT GEN C.P. MOHANTY)
MEMBER (A)

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