

ARMED FORCES TRIBUNAL, REGIONAL BENCH, GUWAHATI

29. TA-01/2023

Smt. Vunghoihching

..... **Applicant**

By legal practitioners for
Applicant.

G Khupchinpao Lucy Hoikholam

Versus-

UOI & Others.

..... **Respondents**

By legal practitioner for
Respondents.

B. Kumar

CORAM:

HON'BLE MR. JUSTICE SUDHIR MITTAL, MEMBER (J)
HON'BLE AIR MSHL BALAKRISHNAN SURESH, MEMBER (A)

ORDER

Justice Sudhir Mittal, Member (Judicial)

According to the pleadings of the applicant, she is legally wedded wife of late Chinkhozam Kuki, who was serving in the Assam Regiment and was a pensioner drawing service pension vide PPO No. S/9285/72. After death of her husband, a request letter dated 17.3.2016 was sent for publication of her name as her husband's nominee. Records of the Assam Regiment responded vide communication dated 07.07.2016 and sought

some documents, which were supplied vide communication dated 09.04.2018. A recommendation dated 3.10.2017 was sent by the Secretary, Zila Sainik Board also. However, the request was declined vide letter dated 29.05.2018 on the ground that no change in the kindered roll portion of an individual can be made after the death of the concerned person

2. Learned counsel for the applicant has argued that all relevant documents including an affidavit sworn before the Chief Judicial Magistrate, original birth certificates of the children, recommendation made by the Secretary, Zila Sainik Welfare Office had been submitted. Even a declaratory decree dated 14.03.2018 passed by the Family Court, Manipur at Churachandpur had been submitted. Thus, the respondent no. 3 was not justified in rejecting the claim of the applicant for grant of family pension.

3. Learned counsel for the respondents however, states that late husband of the applicant was recorded as 'Bachelor' in the service documents. Thus, the applicant appears to be a fraudulent person and cannot be granted any benefit.

4. Having heard the learned counsel for the parties at length and having perused the record, it transpires that the husband of the applicant was transferred to the reserve on 17.03.1966. Marriage with the applicant was solemnized 12.10.1966 and thus, in his service record, late husband of the applicant was rightly recorded as a bachelor. However, the same cannot be a valid reason for denying benefit to the applicant as admittedly her marriage was solemnized after the transfer of her late husband to the

reserve. To establish marriage, the applicant has submitted not only her sworn affidavit and recommendation made by the Zila Sainik Welfare Officer, but also original birth certificates of the children born out of the wedlock. Declaratory decree passed by the Family Court has also been submitted and nothing more can be expected from a widow residing in a remote rural area of the State of Manipur. Other public documents i.e. Aadhaar Card and Voter Card have also been submitted. These documents conclusively prove that the applicant was the legally wedded wife of late Chinkhozam Kuki.

5. Keeping in view the aforementioned reasons, the application is allowed. The respondents are directed to grant family pension to the applicant with effect from the date following the date of death of her husband, which is 18.10.2015. Needful be done within three months from the receipt of copy of this order by the learned counsel for the respondents/OIC, Legal Cell, failing which the arrears shall attract interest @ 6% per annum.

Oral request for grant of Leave to Appeal is rejected.

(Air Mshl Balakrishnan Suresh)

(Justice Sudhir Mittal)

MEMBER (A)

MEMBER (J)

9th October, 2023

AKS