

FORM NO. - 4
{See Rule 11 (1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

APPLICATION No. : O. A. No. - 87/2014

Applicant(s)

Momina Begam

Legal Practitioner for Applicant(s)

Mr. Aniruddha Datta, Ld. Advocate

Respondent(s)

Union of India & Others

Legal Practitioner for Respondent(s)

Mr. Ajay Chaubey, Ld. Advocate

Notes of the Registry	<p style="text-align: center;"><u>ORDERS OF THE TRIBUNAL</u></p> <p>Order Ser. No. : _____ Dated : 06.05.2022</p>
	<p style="text-align: center;"><u>OA 87/2014</u></p> <p>This OA has been filed by the applicant seeking a direction to the respondents to recall the order rejecting her claim for grant of widow pension and to further direct them to release the widow pension to her.</p> <p>2. The brief facts of the case are that the applicant claims to be the second wife of Late Nasiruddin Mondal who was enrolled in the Corps of EME on 7th July, 1983 and discharged from service on 31st October, 2001. He is said to have died on 18th October, 2012. It is further stated that his first wife, namely, Nurul Afsara Begum – respondent No.8 herein - deserted him and her whereabouts were not known for a long period. It is contended that the marriage between the applicant and Late Nasiruddin Mondal was solemnized on 15th February, 2004 and out of the wedlock she has two female children. It is also stated that since the applicant and her late husband belonged to the religion where second marriage is permitted, she is the legally wedded wife of late Nasiruddin Mondal.</p> <p>3. Further contention of the applicant is that during the life time of her husband she and her children were made</p>

beneficiary of the moveable and immoveable properties of her late husband and, therefore, she is entitled to get the benefit of widow pension. It is also averred that no action has been taken on her representation for grant of widow pension.

4. The official respondents have filed an affidavit in opposition. It is submitted that after the death of Ex Cfn SK Nasiruddin Mondal on 18th October, 2012, Smt Nurul Afasari Begum – respondent No.8 vide her petition dated 14th December, 2012 requested the concerned authorities for grant of family pension. Since name of respondent No.8 was already notified in the PPO, EME Records approached PDA of the deceased Nasiruddin Mondal for enhanced rate of family pension. A copy of death certificate of Nasiruddin Mondal was also sent along with the said petition. The applicant also moved a similar representation for grant of family pension. However, since her name was not found recorded as wife of the deceased Nasiruddin Mondal in the service record, vide their letter dated 1st February, 2013 the applicant was informed that as her name do not find mentioned as wife in the service record of Nasiruddin Mondal she was not entitled to receive family pension.

5. On receipt of another representation from the applicant, the authorities concerned took up the matter with Army Recruiting Office, Birbhum (WB) for investigation and to file a report. However, the report is still awaited.

6. Taking note of the facts above mentioned, we are of the considered view that since the name of the applicant is not recorded in the official record of late Nasiruddin Mondal as his wife, no amount of family pension can be granted to her. The applicant has not been able to show any document to establish that she is the legally wedded wife of the deceased Nasiruddin Mondal whereas name of respondent No.8 is recorded in the official documents as his wife. In view of the above, we find no merit in this application and the same is dismissed.

(LT GEN BOBBY CHERIAN MATHEWS)
MEMBER (A)

/vks/

(JUSTICE ANJANA MISHRA)
MEMBER (J)