

FORM NO.4

(SEE RULE 11 (1))

IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

ORDER SHEET

APPLICATION No. O.A. No. 31/2014

APPLICANT (S)

Smt. Kamala Pradhan

RESPONDENT (S)

Union of India & 4 Others

Legal Practitioner for Applicant (s)

Legal practitioner for Respondents

Mr. Urgan Lama

Mr. B K Das

	<p style="text-align: center;"><u>ORDERS OF THE TRIBUNAL</u></p> <p>Order Serial Number: <u>12</u> Dated : 05.08.2015</p>
	<p>Mr. Urgan Lama, learned counsel appears for the applicant. Mr B K Das, learned counsel assisted by Major Narendra Singh, OIC, Legal Cell, HQ Bengal Area appears for the respondents.</p> <p>After hearing the learned counsel for the parties and after perusal of records, we are of the view that the controversy in the matter is disputed question of law and of facts required to be resolved by the competent authority i.e. Additional Director of Army Postal Services (PLI Cell) so that the applicant does not have any grievances on this score and the Tribunal is not required to enter into the matter.</p> <p>The brief facts emerges from the application and the pleadings and as advanced by the learned counsel are that the applicant is the mother of the deceased soldier late Basant Kumar Pradhan who was enrolled in the Army in ASC as a recruit clerk on 23.10.2007 bearing No. 14849268 NK/Clk(SD). In November, 2007 the deceased soldier made a Postal Life Insurance No. 0000910321 through PS and had been paying all his monthly premium @ 435/- per month (Rs. 1305/- quarterly) which was being directly deducted from his salary.</p> <p>The learned counsel for the respondents submits that one colleague and friend of late Basant Kumar Pradhan had wrongly mentioned his i.e. Basant Kumar Pradhan's army number and therefore it was held that the deceased soldier had not taken any PLI policy. Due to wrong furnishing of Army No., recovery of premium was started from the pay of the deceased soldier and after the death of Basant Kumar Pradhan, the policy had been cancelled due to wrong recovery</p>

and the authorities had directed to refund the recovered PLI premium to the next of kin of late Basant Kumar Pradhan, Smt. Kamala Pradhan, the applicant herein and accordingly a demand draft for a sum of Rs. 19,579/- had been issued to the applicant and the applicant has refused to accept the same. Hence the authorities had held that the NOK of late Basant Kumar Pradhan was not entitled for any PLI death claim as no policy was taken by him during his life time.

However, it is an admitted fact that the recovery of the premium was effected from the pay of late Basant Kumar Pradhan and therefore his NOK is very much entitled for the PLI death claim. We, therefore, do not enter into the merits of the case and direct the concerned authorities to look into the matter considering the relevant records and materials available to them. The applicant is directed to send a representation along with a copy of this order and the OA to the authorities concerned within a period of one month. In case the authorities find that the controversy arises due to wrong mentioning of Army No., they are directed to rectify the same in their records and settle the claim within a period of three months from the date of receipt of the representation from the applicant.

With the aforesaid directions, we dispose of this application.

A plain copy of the order, duly countersigned by the Tribunal Officer, be given to the parties upon observance of all usual formalities.

(Lt Gen Gautam Moorthy)
Member (Administrative)

(Justice Devi Prasad Singh)
Member (Judicial)