

(SEE RULE 102 (1))
ARMED FORCES TRIBUNAL, KOLKATA BENCH

O.A NO. 73/2011

THIS 25TH DAY OF JUNE, 2015

CORUM

HON'BLE JUSTICE DEVI PRASAD SINGH, MEMBER (JUDICIAL)

HON'BLE LT GEN GAUTAM MOORTHY, MEMBER (ADMINISTRATIVE)

APPLICANT(S)

Smt. Fool Jahan Ara,
W/o Late Md. Sarfaraz
Village – Bisanpur
P.O. – Makwa, P.S. - Tarapur
Dist. – Munger
Bihar

-versus-

RESPONDENT(S)

1. The Union of India through Director General,
Personnel Services
Army Headquarters,
DHQ PO New Delhi - 110011
2. The Additional Director General,
Personnel Services/PS4
Adjutant General's Branch
Army Headquarters
New Delhi
3. The Senior Record Officer
Artillery Records
Nasik Road Camp
Maharashtra – 422 102.
4. The Secretary,
Zila Sainik Welfare Officer
Munger
District - Munger

For the petitioner (s)

Miss Manika Roy, Advocate

For the respondents

Mr. Souvik Nandy, Advocate

ORDER

PER HON'BLE JUSTICE DEVI PRASAD SINGH, MEMBER (JUDICIAL)

1. This is an application, under Section 14 of AFT Act of 2007 (in short Act), preferred by Smt Fool Jahan Ara, w/o Late Md. Sarfaraz, who was enrolled in the Indian Army on 25.01.2004 as Sepoy {(No. 15170054A Late Gnr (OPTR) } . He went on leave w.e.f. 10.01.2008 during course of Muharram. During Muharram procession he died because of gun shot wound on 20.01.2008. The leave was sanctioned from 10.01.2008 to 05.02.2008. After death of Md. Sarfaraj, pension have been granted to the applicant except special family pension. Feeling aggrieved with the denial of special family pension, present application has been moved. As per service records, Md Sarfaraj was married to Miss Fool Jahan Ara on 15.05.2005 and the present applicant was nominated as Next of Kin for Death-cum-retirement gratuity and other benefits. According to the Artillery Records respondent has paid the following terminal benefits to the Next of Kin in accordance with Rules :-

Ser No.	<u>Terminal Benefits</u>	<u>Amount</u>	<u>Remarks</u>
(a)	FSA including leave encashment	Rs. 11,111/-	
(b)	<u>AFPP Fund</u>	Rs. 11,535/-	
(c)	AGI (Insurance)	Rs. 7,50,000/-	
(d)	AGI (Maturity)	Rs. 32,747/-	
(e)	AWWA	Rs. 5,000/-	
(f)	ACWF	Rs. 30,000/-	

2. The respondent has also considered applicant's claim for grant of family pension in terms of Govt. of India, MoD letter No. 1(2)/2002/D(Pen-C) dated 01.09.2005 as amended vide their letter of even No. dated 31.05.2006 and the Integrated HQ of MoD (Army) letter No. B/40122/MA(P)/AG/PS-5 dated 20.07.2006 by the competent authority at Artillery Records. The authority at Artillery Records recorded findings that death of applicant's husband as **NOT ATTRIBUTABLE TO MILITARY SERVICE** since he was not on duty. However, her claim for special family pension was processed to PCDA (P) Allahabad vide Artillery Records letter No. D/15170054A/PC/T-8/50/Pen-3 (A) dated 19.07.2008.

3. PCDA (P) Allahabad has rejected applicant's claim for special family pension since the husband of the applicant died due to **HAEMORRHAGE AND SHOCK** because of gun shot injury while attending a procession of Muharram during course of leave. However, the ordinary family pension of Rs. 1913/- pm was sanctioned w.e.f. 21.01.2008 by PCDA (P), Allahabad vide PPO No. F/NA/014805/2008 (ARMY) dated 30.10.2008. The decision of rejection of special family pension by PCDA (P) Allahabad was communicated to the applicant by Artillery Records vide letter No. D/15170054A/PC/T-8/57/Pen-3 (A) dated 22.11.2008 with advice to prefer an appeal to Additional Directorate General Personnel Service/PS-4, Adjutant General Branch, IHQ of MoD (Army) within 6 months.

4. An appeal filed by the applicant on 08.03.2010 against the rejection of special family pension was rejected by the impugned order vide IHQ of Mod (Army) letter No. B/38046/48/10/AG/PS-4(Imp-1) dated 11.11.2010. It has been observed that since the applicant's husband died due to gun shot wound at his home town while on Part of annual leave and the death is not attributable to military service. Hence she is not entitled to the special family pension under the rules.

5. Feeling aggrieved the applicant had preferred a petition before the Hon'ble High Court of Patna which was dismissed by default on 19.09.2011. The applicant had also preferred her second appeal against the rejection of her first appeal for grant of special family pension through Zila Sainik Kalyan Karyalya, Munger which was further processed to the Govt. of India, MoD vide Artillery Records letter No. 15170054/T-6/2nd appeal/92/Pen-3 (A) dated 22.11.2011.

6. During pendency of the matter before Govt. of India, MoD on her second appeal, the applicant has preferred an application being OA No. 89/2012 against UOI before Armed Forces Tribunal, Kolkata Bench which was dismissed by default on 29.08.2012. The applicant had again preferred an application being No. 83/2012 with MA No. 72/2012 praying for restoration of OA No. 73/2011. The petition is restored by the AFT by an order dated 24.01.2013. Miss Manika Roy, Id advocate for the applicant, submits that even if the applicant was on leave, he was deemed to be on duty in service. Hence the death shall be deemed to be attributable to military service. She has relied upon a case of Punjab & Haryana High Court which decided a

Writ Petition No. 15774/1997 dated on 10.01.2000 and another judgement of Delhi High Court decided on 16.11.2006 though the copy does not contain case No. but the party were Smt. Seyo Bai vs Union of India & Others. She also placed reliance on Appex Court Judgement dated 17.08.1999 passed in the case of Madan Singh Shekhawat vs UOI. Another Judgement of Punjab & Haryana High Court passed in Civil Writ Petition No. 3662 of 2007 as well as the judgement of the same High Court delivered in the case Devender Singh Virk vs UOI, Civil Writ Petition No. 6066 of 2007 decided on 05.03.2009 and judgement delivered in Writ Petition C.W.P. No. 9136 of 1994 (O&M) decided on 06.03.2009, Naresh Kumar Ahlawat vs Union of India and others. Ld. Counsel for Union of India relied upon the judgement of AFT, Principal Bench passed in O.A. No. 203 of 2010, Smt Shakuntala Devi vs Union of India and others.

7. We have considered the pleadings and arguments advanced by the Id counsel of the parties and perused the record. Admittedly special family pension is provided to the family of an deceased army personal in accordance with the provision of Regulation 213 of the Pension Regulations for the Army, Part – I (1961). For convenience Regulation 213 is reproduced as under :-

“213. A special family pension may be granted to the family of an individual if his death was due to or hastened by circumstances mentioned in category ‘B’ or ‘C’ or Para 4 of Gol, MoD No. 1(2)/97/1/D(Pen-C) dated 31.01.2001.”

8. Aforesaid Regulations rely upon the Govt. Order dated 31.01.2001, Cat C of Para 4.1 the relevant portion for the disposal of present controversy is reproduced as under :-

“Category C : Death or disability due to accidents in the performance of duties such as :

- (i) Accidents while travelling on duty in Government Vehicles or public/private transport.
- (ii) Accidents during air journeys.
- (iii) Mishaps at sea while on duty.
- (iv) Electrocution while on duty.
- (v) Accidents during participation in organized sports events/adventure activities/expeditions/training.”

9. The plain reading of the eligibility criteria for a special family pension is given in Category C shows that special family pension may be granted in case death or disability took place on account of the accidents in the performance of duty. According to Black’s Law Dictionary duty and absolute duty have been defined as under :-

(a) Duty. (13c) 1. **A legal obligation that is owed or due to another and that needs to be satisfied** ; an obligation for which somebody else has a corresponding right.

“There is a duty if the court says there is a duty; the law, like the Constitution, is what the make it. Duty is only a word with which the state our conclusion that there is or is not to be liability; it necessarily begs the essential question (M)any factors interplay: the hand of history, our ideas of morals and justice, the convenience of administration of the rule, and our social ideas as to where loss should fall.” William L. Prosser, Palsgraf Revisited, 52 Mich. L. Rev. 1, 15 (1953).

“A classic English definition (of duty) from the late nineteenth century holds that, when circumstances place one individual in such a position with regard to another that thinking persons of ordinary sense would recognize the danger of injury to the other if ordinary skill and care were not used, a duty arises to use ordinary skill and care to avoid the injury. A much quoted American judicial definition of duty emphasizes its relational aspects, with a focus on the foreseeability of risk to those ‘within the range of apprehension.’ At about the same time, one of the most creative of American law teacher defined duty as a complex of practice, including administrative, economic, and moral ones, to be applied by judges in their analysis of the legal strength of personal injury cases.” Marshall S. Shapo, The Duty to Act xi-xii (1977).

“While courts frequently say that establishing ‘duty is the first prerequisite in an individual tort case, courts commonly go on to say that there is a ‘general duty’ to ‘exercise reasonable care,’ to avoid subjecting others to ‘an unreasonable risk of harm,’ or to complain with the ‘legal standard of reasonable conduct.’ Though cast in the language of duty, these formulations merely give the expression to the point that negligence is the standard of liability.” Restatement (Third of torts § 6 cmt. a (Discussion Draft 1999).

(b) Absolute duty. 1. A duty to which no corresponding right attaches. According to John Austin’s legal philosophy, there are four kinds of absolute duties : (1) duties not regarding persons (such as those owed to God and to lower animals), (2) duties owed to persons indefinitely (i.e., to the community as a whole), (3) self-regarding duties (such as the duty not to commit suicide), and (4) duties owed to the sovereign. 1 John Austin, The providence of Jurisprudence Determined 400 (Sarah Austin ed., 2d ed. 1861). 2. A duty as to which nothing but lapse of time remains necessary to make immediate performance by the promisor obligatory.

10. Hon’ble Supreme Court while interpreting the word duty in a case relating LIC of India reported in 1981, Volume I SCC 315, Page 372 : LIC of India vs DJ Bahadur, held at :

“Duty means are properly, regularly or in a manner in context to which it is used in LIC at 1956. ”

11. Andhra Pradesh High Court in a case reported in AIR 1963, Page 452 – Narayan Chetty vs Venkat Reddy held that a Court or individual said to be under a duty only when such court or person concerned is bound to perform a function. Punjab & Haryana High Court in a case reported in AIR 1970, P & H 81, Bhagwat Prasad, IG Police held at the Police Force is required to discharge highly responsible and onerous duty for the maintenance of law and order and for

other purpose essential to the life of the community. Hon'ble Supreme Court in a case reported in AIR 1962, Supreme Court 195, Dhanshaw vs Delhi Administration held that for public servant it would be anomalous to say that a public servant's misconduct himself in the discharge of his duty since duty and misconduct goes ill together. If a person has misconducted himself as a public servant it would not ordinarily be discharge of his duty but the reverse of it.

12. On this analogy participation in Muharram procession is not in conformity with duty but a religious rite. There is no legal obligation to attend Muharram procession. Deceased Sepoy under-law/statute not bound to participate in Muharram procession.

13. In a case reported in 2004 AIR Supreme Court 1581, S.C. has relied upon the Halsbury's Laws of England, 4th Edition, Vol I Para 28 to quote :-

“Duty and discretion. A statutory discretion is not, however, necessarily or, indeed, usually, absolute; it may be qualified by express and implied legal duty to comply with substantive and procedural requirements before a decision is taken whether to act and how to act. Moreover there may be a discretion whether to exercise a power, but no discretion as to the mode of its exercise; or a duty to act when certain conditions are present, but a discretion how to act. Discretion may thus be coupled with duties.”

14. Thus duty means a conduct, action or work which is performed by person correlated to his or her assigned duty by a statute, Government order or Circular or Oath of Office – It does not relate to an incident which may be termed as religious ceremony during course of leave or an action or incident which may not be attributable to the Establishment to which a person is intended to serve. It may be noted that all religious ceremonies or rites, under Article 25 and 26 of the Constitution are subject to morality and law and order. It (religious rites) may not be equated with statutory or the constitutional duties, claiming service benefits.

15. A person may not held to be on duty only during the course when he or she is on leave though such person always be in service and on part of annual leave shall deem to be in continue of service in accordance to the Rules and Regulations and Govt. orders. However, it depends of facts of each case.

16. We must differentiate between words 'service' and 'duty'. A person in service may not be in duty like in case he is on leave or hospitalized etc but the person shall be deemed to be in service in case he or she is on duty or assigned some work by the Establishment to which he or she owes allegiance.

17. Hon'ble Supreme Court in a case reported in AIR 1990 SC 648, P 649, page 987 – Judicial Dictionary 14th Edition – Coal Mines Provident Fund Commissioner vs Ramesh Chander Jha observed, to quote :

“Serve means 'to perform function; do what is required for'. The word 'service' means necessarily mean something more than being merely subject to the orders of government or control of the government.”

18. In AIR 1974, SC 2319, (1975) 3 SCC 628, p 637 – University of Cochin v N Raman Nair – Hon'ble S.C. held that the word 'service' does seem to denote various classes or categories of posts within it. It is obviously the widest class. – it means duty is work done by a person and correlated to his office which he or she is held.

19. The Supreme Court while interpreting words service as provided in Chapter VI of Part VI of the Constitution of India held that the expression 'the service' indicates that the service mentioned therein is the service pertaining to courts. That apart, art 236 (2) defines the expression 'judicial service' to mean a service consisting exclusively of persons intended to fill the post of district judge. If this definition, instead of appearing in art 236, is placed as a clause before art 233 (2), there cannot be any dispute that 'the service' in art 233(2) can only mean the judicial service. [Chandra Mohan v State of Uttar Pradesh AIR 1966 SC 1987, p 1994]. Thus for armed forces personnel Service means service pertaining to Army (emphasis supplied).

20. The word 'services' is a term of a very wide import, but in the context of s 10 of the Income Tax Act, its use excludes its theological or artistic usage. (Commissioner of Income Tax, West Bengal v Calcutta Stock Exchange Association Ltd AIR 1959 sc 763, P 768].

21. There appears to be no reason to hold that the applicant's husband who died while attending Muharram procession may held to be was on duty as well as entitled for special pension because of continuing in service.

22. Otherwise, it is well settled proposition of law that Court or Tribunal may not issue an order or direction which may be contrary to statutory mandate. Till the provisions contained in Regulation 213 exist and not modified under appropriate manner, the Tribunal or Court has no right to issue order for grant of special family pension in case the conditions given therein are not fulfilled.

23. Ld counsel for the respondent relied upon the judgement of Shakuntala Devi (supra) whereby it has been held that an activity of an independent business or avocation or calling that would be inconsistent to military service and an accident occurred during such activity shall not be attributable to military service. We are in respectful agreement with the proposition of law discussed and held by the Punjab & Haryana High Court (Supra).

24. It may be noted that argument advanced by Id counsel for the applicant that in some of the similar cases disability pension has been paid seems to be misconceived argument. Punjab & Haryana High Court in the case of Shukdev vs. UOI, relying upon judgement of Full Bench of Punjab & Haryana High Court (Supra) UOI vs Khushwant Singh held that any accident remotely connected and inconsistent with military service such as when a person Returning from hospital or doing a normal activity, would not be taken as disability attributable to military service. Full Bench judgement of Delhi High Court in the case of Nk Dilbagh Singh vs UOI and Others while summarizing the decision based on Apex Court judgement held to reproduce from Para 10 of the judgement:-

"24. To sum up our analysis, the foremost feature, consistently highlighted by the Hon'ble Supreme Court, is that it requires to be established that the injury or fatality suffered by the concerned military personnel bears a casual connection with military service. Secondly, if this obligation exists so far as discharge from the Armed Forces on the opinion of Medical Board the obligation and the responsibility a fortiori exists so far as injuries and fatalities suffered during casual leave are concerned. Thirdly, as a natural corollary it is irrelevant whether the concerned personnel was on casual or annual leave at the time or at the place when and where the incident transpired. This is so because it is the casual connection which alone is relevant. Fourthly, since travel to and from the place of posting may not appear to everyone as an incident of military service, a specific provision has been incorporated in the Pension Regulations to bring such travel within the entitlement for Disability Pension if an injury is sustained in this duration. Fifthly,

the Hon'ble Supreme Court has simply given effect to this Rule and has not laid down in any decision that each and every injury sustained by availing of casual leave entitled the victim to claim Disability Pension. Sixthly, provisions treating casual leave as on duty would be relevant for deciding questions pertaining to pay or to the right of the Authorities to curtail or cancel the leave. Such like provisions have been averted to by the Supreme Court only to buttress their conclusion that travel to and fro the place of posting is an incident of military service. Lastly, injury or death resulting from an activity not connected with military service would not justify and sustain a claim for Disability Pension. This is so regardless of whether the injury or death has occurred at the place of posting or during working hours. This is because attributability to military service is a factor which is required to be established."

25. The case relied upon by the Id counsel for the applicant seems to be not applicable under the facts and circumstances of the present case. The case of Madan Singh Shekhawat (supra) relates to special disability pension to army person who while travelling to home town which is termed as leave station in pursuance to casual leave granted to him by the competent authority suffered accident. After interpreting relevant Rules and Regulations the court held that person concerned shall be entitled to disability pension which covers the period which may be claimed even after retirement in terms of regulations. The court considered relevant conditions of the rules and regulations which provides that a person shall deem to be on duty during the period of participation in recreation organized or permitted by service authorities or travelling under organized arrangements. A person shall be considered to be on duty while proceeding to leave station or returning to duty station from leave station on public expense. Thus in case of Madan Singh Shekhawat (supra), Supreme Court granted disability pension by interpreting relevant Army Rules where he or she was travelling on public expense to join his family after sanction of leave. The present case is entirely different case relied upon by the counsel for the applicant seems to not applicable.

26. The case relied upon by the counsel for the applicant of the Punjab & Haryana High Court delivered by Justice Ajay Lamba also does not seem to be applicable, where the court held that a person shall deem to be on duty while travelling from or to home or while on casual leave relying upon the case of Madan Singh Shekhawat (supra).

27. The case of Devender Singh Virk (Supra) also relates to the payment of disability pension during annual leave by relying upon the case of Madan Singh Shekhawat (supra) which we have considered above. The case of Madan Singh Shekhawat has been relied in other cases also. In any case Delhi High Court judgement is a Full Bench Decision which will have primacy over Single Judge judgement of P & H. High Court.

28. It is well settled proposition of law in the event of inconsistency and conflict, the judgement of larger Bench is to be followed :-

As held (supra) judgement of Delhi High Court being larger Bench, it has got more persuasive value or binding precedence than the judgements of the single Judge Bench.

29. It is settled proposition of law that an issue, which has not been considered by the Court while delivering a judgement, cannot be said to be binding as a decision of the Court takes its colour from the questions involved in the case in which it is rendered and while applying the decision to a later case, the Court must carefully try to ascertain the true principle laid down by the decision of the court. The Court should not place reliance upon a discussion without discussing as to how the factual situation fits in with a fact situation of the decision on which reliance is placed, as it has to be ascertained by analyzing all the material facts and the issues involved in the case and argued on both sides. The judgement has to be read with a reference to and in context with a particular statutory provisions interpreted by the Court as the Court has to examine as what principle of law has been decided and the decision cannot be relied upon in support of a proposition that it did not decide (Vide H.H. Maharajadiraj Madhav Rao Jivaji Rao Scindia Bahadur & Ors. Vs. Union of India, AIR 1971 SC 530; M/s Amar Nath Om Prakash & Ors. Vs. State of Punjab & Ors., AIR 1985 SC 218; Rajpur Ruda Meha & Ors. Vs. State of Gujrat, AIR 1980 SC 1707; C.I.T. Vs. Sun Engineering Pvt. Ltd., (1972) 4 SCC 363; Sarva Shramik Sangh, Bombay Vs. Indian Hume Pipe Co. Ltd. & Anr., (1993) 2 SCC 386; Haryana Financial Corporation & Anr. Vs. M/s. Jagdamba Oil Mills & Anr., AIR 2002 SC 834; Mehboob Dawood Shaikh Vs. State of Maharashtra, (2004) 2 SCC 362; ICICI Bank & Anr. Vs. Municipal Corporation of Greater Bombay & Ors., AIR 2005 SC 3315; M/s Makhija Construction and

Enggr. Pvt. Ltd. Vs. Indore Development Authority & Ors., AIR 2005 SC 2499; and Shin-Etsu Chemical Co. Ltd. Vs. Aksh Optifibre Ltd. & Anr., (2005) 7 SCC 234).

30. In *Jawahar Lal Sazawal & Ors. Vs. State of Jammu & Kashmir & Ors.*, AIR 2002 SC 1187, Hon'ble Supreme Court held that a judgement may not be followed in a given case if it has some distinguishing features.

31. In *Bhavnagar University Vs. Palitana Sugar Mill (P) Ltd.*, AIR 2003 SC 511, the Hon'ble Supreme Court held that a decision is an authority for which it is decided and not what can logically be deduced therefrom. A little difference in facts or additional facts may make a lot of difference in the precedential value of a decision. While deciding the said case the Court placed reliance upon its earlier judgement in *Delhi Administration Vs. Manohar Lal*, AIR 2002 SC 3088.

32. In *Union of India Vs. Chajju Ram*, AIR 2003 SC 2339, a Constitution Bench of the Hon'ble Supreme Court held as under :-

“It is now well settled that a decision is an authority for what it decides and not what can logically be deduced therefrom. It is equally well settled that a little difference in facts may lead to a different conclusion.”

33. In *Ashwani Kumar Singh Vs. U.P. Public Service Commission & Ors.*, AIR 2003 SC 2661, the Apex Court held that a judgement of the Court is not to be read as a statute as it is to be remembered that judicial utterances have been made in setting of the facts of a particular case. Substantial flexibility; one additional or different facts may make a world of difference between the conclusions in two cases. Disposal of cases by blindly placing reliance upon a decision is not proper.

34. Not only that, in *Nand Kishore vs. State of Punjab* (1995) 6 SCC 614, the Hon'ble Apex Court has held as under:-

“ Their Lordships' decisions declared the existing law do not enact any fresh law, is not in keeping with a plenary function of the Supreme Court under Article 141 of the Constitution, for the Court is not merely the interpreter of the law as existing but much beyond that. The Court as wing of the State is by itself a source of law. The law is what the Court says it is.”

35. The Hon'ble Apex Court has repeatedly held that it is the duty of the judiciary to enforce the rule of law and, therefore, to guard against the erosion of the rule of law and while performing its duty, it is competent to lay down norms, procedure and guidelines for observance (Vide Vineet Narain Vs. Union of India & Ors., AIR 1998 SC 889; and Union of India Vs. Sushil Kumar Modi, (1998) 8 SCC 661.

36. While dealing with a similar situation, i.e. the observations made by a Seven Judges' Bench in India Cement Ltd. Vs. State of Tamil Nadu, AIR 1990 SC 85, the five Judges' Bench in State of West Bengal Vs. Kesoram Industries Ltd., (2004) 10 SCC 201, observed as under :-

“A doubtful expression occurring in a judgement, apparently by mistake or inadvertence, ought to be read by assuming that the Court had intended to say only that which is correct according to the settled position of law, and the apparent error should be ignored, far from making capital out of it, giving way to the correct expression which ought to be implied or necessarily read in the context, also having regard to what has been said as little before and a little later. A statement caused by an apparent typographical or inadvertent error in a judgement of the Court should not be misunderstood as declaration of such law by the Court.”

37. Apart from above, it is settled law that no order or direction may be issued in contravention of the Statutory provisions, Rules and Regulations. Ordinarily they are required to be enforced in strict sense. **2006 (4) SCC 1, Secretary State of Karnataka Vs. Umadevi; 2006 (5) SCC 493, National Fertilizer Limited Vs. Somvir Singh; 2006 (1) SCC 667, State of U.P. Vs. Neeraj Kumar; 2004 (7) SCC 112, A. Umarani Vs. Registrar Coop. Societies; 1992 (1) SCC 245, Union of India Vs. Mahendra Singh; 1992 (4) SCC 99, Delhi Development Horticulture Employees Union Vs. Delhi Admn.; 1992 (4) SCC 33, Director Institute of Management Development Vs. Pushpa Srivastave; 2003 (3) SCC 374, Ramakrishna Kamat Vs. State of Karnataka; and, 1996 (7) SCC 499, Hindustan Shipyard Ltd. Vs. Dr. P Sambasiva Rao.**

38. In view of the above, the death caused to the husband of the applicant on account of gunshot injury during course of Muharram procession does not seem to make out a case for payment of special family pension that too in view of the Regulations 213 and other provisions (supra).

39. Accordingly, applicant's claim for special family pension is rejected. No order as to cost.

Let a plain copy of order, duly countersigned by the Tribunal Officer, be furnished to both sides after observance of usual formalities.

(LT GEN GAUTAM MOORTHY)
Member (Administrative)

(JUSTICE DEVI PRASAD SINGH)
Member (Judicial)

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