

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 2883/2025

Smt. Neelam

.... Petitioner(s)

Through:- None.

V/s

Union of India & Ors.

.....Respondent(s)

Through:- None.

CORAM : HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE.
HON'BLE MR. JUSTICE SANJAY PARIHAR JUDGE.

ORDER

15.10.2025

1. Impugned in this petition filed by the petitioner is an order and judgment dated 13.05.2025 passed by the Armed Forces Tribunal, Regional Bank Service in OA No. 188 of 2022 titled "*Smt. Neelam vs. Union of India & Ors.*" whereby the AFT dismissed the OA of the petitioner for seeking "Family Pension".

2. Briefly stated the facts leading to the filing of this petition are that the Ex. SWR (Late) Misree was discharged on completion of his term and granted service pension. While he was receiving service pension from the Indian Army, Late Misree, the father of the petitioner herein died on 17.01.1992. The respondents granted family Pension to his wife Keser Bibi vide PCDA, Allahabad PPO No. F/SF/PRE-64/01330/03 with effect from 18.01.1992. The wife, Keser Bibi also died on 18.12.1996. After about 22 years of the death of Keser Bibi, an application was moved by the petitioner on 03.11.2018 claiming family pension on the ground that she was a divorced daughter of Late Mr. Misree and Keser Bibi.

3. With a view to verifying the eligibility criteria of the petitioner for grant of family Pension, service documents of the Solider were requisitioned by the Records JAK RIF from the National Archives of India (NIA).

4. From the service documents, it was found that the name of the petitioner was not recorded as daughter of the Army Personnel Misree and, accordingly, vide letter dated 23.05.2023, the petitioner was advised to submit documents for further consideration of her claim.

5. Feeling aggrieved, the petitioner filed the petition OA No. 188/2022 before the AFT. The AFT having considered the rival contentions came to the conclusion that in view of the material on record, there were two divorce deeds produced by the petitioner, one executed on 13.12.1996 and other in the year 2010 and, therefore, it was difficult to determine which one was a valid and genuine document.

6. The AFT seriously doubted the execution of Talaknama on 13.12.1996 which was neither prepared on stamp paper nor was verified by any '*Imam Maszid Sharif*'. AFT also took note of the fact that if the divorce had taken place on 13.12.1996, how the son was born to the petitioner from the divorced husband on 13.11.1997. It also came on record that despite the petitioner claiming to have been divorced on 13.12.1996, she had been receiving maintenance from her husband till the year 2010.

7. Taking all these facts into consideration, the Tribunal came to the conclusion that plea of the petitioner that she was a divorced daughter of the Ex-servicemen and dependent upon him was found to be a result of manipulation and fabrication.

8. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the view taken by the AFT is correct and unexceptional.

9. The petitioner has not been able to substantiate her plea that she was a divorced daughter of the ex-servicemen Misree and dependent upon him. Production of two divorce deeds and receiving maintenance from the husband for almost 14 years after the alleged divorce put the claim of the petitioner in a serious doubt.

10. The Tribunal has returned its finding on the aforesaid aspect and we do not intend to take a view different from the one taken by the AFT on the questions of facts.

11. For all these reasons, the writ petition is found devoid of any merit, and the same is, accordingly, **dismissed**.

12. We, however, leave it open to the petitioner to seek an appropriate remedy from the competent Civil Court and then lodge her claim for pension, if tenable under law.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
15.10.2025
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