

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17744 of 2016

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Smt. Sanju Kumari Rai, wife of Deepak Kumar Rai, C/o- Gorakh Nath Rai, resident of Village- Nyayipur, P.S. Chousa, District- Buxar- 802114, Bihar.

.... Petitioner/s

Versus

1. The Union of India through Chief of the Naval Staff (PDPA), Integrated Headquarter, D II wing, Sena Bhawan, New Delhi-110011.
2. The Flag Officer, Commanding- In- Chief (for CRSO) Head Quarter, Eastern Naval Command, Visakhapatnam- 530014.
3. The Commodore, BS Bajwa, AVSM, Principal Director, Non Public Funds, 215/D-II Wing, Sena Bhawan, Integrated Head Quarter, Ministry of Defence (Navy), New Delhi- 110011.
4. The Principal Controller of Defence Accounts (Navy), Mumbai- 400039.
5. Commodore, Naval Pension Office, INS Tanaji, Sion Trombay Road, Mankhurd (East), Mumbai- 400088.
6. Logistic Officer in Charge, Naval Pay Office, Shahid Bhagat Singh Road, Mumbai- 400023.
7. Commander-at Arms, Staff Officer (GB), Office of the Commodore, Cheetah Camp, Mankhurd, Mumbai.
8. Officer-in-Charge, Records, Bureau of Sailors, Mumbai.
9. The Officer-in-Charge, CH Section, Chief CDA (Pension), Allahabad.
10. Smt. Urmila Rai W/o Sri Siddeshwar Rai Village- Betabar Khurd, P.O. Betabar Kalan, Tehsill - Jamania , District- Ghazipur (U.P).

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhurba Mukherjee, Sr. Advocate Mr. Nazir Ansari and Mr. Ganesh Singh, Advocates
For the UOI	:	Mr. S. D. Sanjay, A.S.G. Mr. Sujeet Kumar Sinha, C.G.C. Mr. Uday Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 01-08-2018

Heard learned counsel for the petitioner and the Union of India.

2. The petitioner has moved the Court for the following reliefs:

“That by this petition the petitioner prays



for direction against order no. PEN/F/1/600/157078-Y dated 06.11.2015, issued by Commander, Staff Officer, (Pension), for logistics Officers-in-Charge, Mumbai recommending the Principal Controller of Defence Accounts (Navy), Pension Cell, Mumbai-400039 to issue order for Division of Special Family Pension of the petitioner by sharing 40% (of petitioner pension) in favor of the mother of Late Sailor (ex-husband of the petitioner) namely Smt. Urmila Rai.”

3. In view of the objection raised by learned counsel for the Union of India that such matter has now to be considered first by the Armed Forces Tribunal, which the Court finds to be correct, the writ petition stands disposed off with liberty to the petitioner to approach the appropriate forum, in accordance with law.

4. As the petitioner has moved this Court and the matter was pending, if an appropriate forum is approached by the petitioner, within two months from today, the same shall be considered on merits and disposed off in accordance with law expeditiously.

(Ahsanuddin Amanullah, J.)

P. Kumar

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