

AD. 12.  
January 25, 2021.  
MNS.

W. P. A. 390 of 2021  
**(Via video conference)**

Sarada Choudhury (Acharya) and another  
Vs.  
Union of India and others

Mr. Ajoy Debnath,  
Mr. Sujit Saha  
... for the petitioners.

Mr. Vipul Kundalia,  
Ms. Rajashree Venket Kundalia

...for the respondent-authorities.

Mr. Susanta Pal

...for the State.

Affidavit-of-service filed in Court today be  
taken on record.

The writ petitioners allege that the name of  
petitioner no. 2, who is the minor son born in the  
wedlock of petitioner no. 1 and respondent no. 9,  
the latter being an employee (a sergeant) of the  
Indian Air Force, is not getting the benefits as  
dependent of respondent no. 9.

Learned counsel for the petitioners  
submits that divorce has already taken place  
between respondent no. 9 and petitioner no. 1.  
However, the rights of the petitioner no. 2, the  
minor son of respondent no. 9, were not curtailed

by such divorce. Despite representations, it is submitted, the Air Force authorities are not taking any steps for recording the name of petitioner no. 2 as a dependant of respondent no. 9, which would entitle petitioner no. 2 to get due benefits under the relevant Rules of the Indian Air Force.

Learned counsel appearing for the Air Force authorities hands up a copy of a communication dated January 21, 2021 (subsequent to the writ petition), as well as an enclosed copy of the concerned Rules of the Indian Air Force regarding dependents' identity card and the appropriate form which has to be filled up and submitted for the purpose of such recording of name. Counsel submits that such communication, along with the enclosure, was sent to the petitioner no. 1 after filing of the writ petition. However, the petitioner no. 1 has not yet taken any action thereon by submitting a properly filled- up form as indicated above.

Learned counsel for the petitioners submits that he does not have appropriate instruction regarding the communication dated January 21, 2021 for filling up such form in respect of recording the name of the petitioner no. 2.

Be that as it may, learned counsel for the Air Force authorities, in his usual fairness, hands over a fresh copy of the communication and the Rules, containing the form, to his counterpart appearing for the petitioners.

As such, it only remains for petitioner no. 1 to fill up the form referred to above and to submit the same with the Indian Air Force authorities for recording of the name of petitioner no. 2 as dependent of respondent no. 9.

It may further be recorded that it also appears from a communication dated December 4, 2020 issued by the Air Force authorities to the petitioner no. 1 that the name of petitioner no. 2 has already been recorded as the son of respondent no. 9 in the Computerized Personnel Occurrence Reports Airmen/NCs(E):P-Staff Main POR. Hence, there cannot be any further impediment in the matter of recording the name of petitioner no. 2 subject to filing of a properly filled-up form by the petitioner no. 1.

Accordingly, W. P. A. 390 of 2021 is disposed of by directing the respondent no. 1 to file a properly filled-up form, which appears as Annexure 'B' to the Rules of the Indian Air Force pertaining to issuance of Indian Air Force

Dependents' Identity Card (IAFDIC), a copy of which handed has been up in Court today. Let such copy be kept on record.

Upon such properly filled-up form being filed by petitioner no. 1, the respondent authorities shall scrutinize the same and, upon satisfaction that the requirements of such form (a proforma of which is Annexure 'B' to the relevant Rules as indicated above) are complied with, the respondent authorities shall immediately include the name of the petitioner no. 2 in the list of dependents of the Indian Air Force, as the minor son of respondent no. 9, and issue an appropriate dependents' identity card in the name of petitioner no. 2 on such premise.

There will be no order as to costs.

(Sabyasachi Bhattacharyya, J.)

