



WEB COPY

W.P.No.27883 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM  
AND  
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P.No.27883 of 2024

1. Union Of India  
represented by its Secretary  
Govt of India  
Ministry of Defence  
South Block, DHQ PO  
New Delhi 110 011
2. The Chief Of Army Staff  
Army Head Quarters (AHQ)  
Sena Bhavan, South Block  
DHQ PO, New Delhi 110 011
3. The Appellate Committee on First appeals (ACFA)  
Director PS4, AG's Branch  
IHQ of MoD (Army), New Delhi 110 011
4. The Chief Records Officer  
Madras Regiment  
Pin-900 458, C/o 56 APO
5. The Commanding Officer  
11 Madras, C/o 56 APO



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6. The Principal Controller Defence Accounts (Pension)

Draupati Ghat, Allahabad

Uttar Pradesh 211 014

.. Petitioners

v.

Smt.Shanthi NT

M/o Late NT Santhosh Kumar

No.2607071

.. Respondent

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records pertaining to order 16.01.2023 passed in Original Application No.18 of 2020 by the Hon'ble Armed Forces Tribunal, Chennai Bench, and quash the same.

For Petitioners :: Mr.A.R.Sakthivel

For Respondent :: No appearance

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

W.M.P.No.30410 of 2024 seeking to dispense with the production of the original copy of the impugned order, stands ordered.

2. Under assail is the order passed by the Armed Forces Tribunal, Regional Bench, Chennai in O.A.No.18 of 2020 dated 16.01.2023.



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3. The respondent has instituted the original application before the Armed Forces Tribunal challenging the rejection order dated 14.06.2019 passed by the Chief Records Officer, Madras Regiment declining the request of the respondent for grant of family pension with effect from 05.01.2006 due to the untimely death of her unmarried son.

4. This Court, while entertaining the writ petition and granting stay by order dated 26.09.2024, issued notice to the respondent. Though notice has been served on the respondent and her name is printed in the daily causelist uploaded by the Registry, none appeared.

5. The Tribunal allowed the original application and directed the writ petitioners to grant ordinary family pension to the respondent with effect from the date of death of her son i.e., 04.01.2006.

6. The son of the respondent enrolled in the Indian Army on 28.01.2001 and died in a road accident on 04.01.2006. It is not in dispute that the husband of the respondent was also an exserviceman and the



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respondent is receiving the family pension of her missing husband. The authorities scrutinized the application filed by the respondent and based on Rule 70 of the Pension Regulations for the Army, 1961 (Part-I), rejected the claim of the respondent for grant of family pension on account of the death of her unmarried son. The order impugned states that the husband of the respondent was also an exserviceman and the respondent was wholly dependent on her husband, entitled for family pension. That being so, the respondent cannot claim another family pension on account of the death of her son.

7. Regulation 70 of the Pension Regulations for the Army, 1961 (Part-I) reads as under:-

“70. Parents who were wholly dependent on the service personnel when he was alive, provided the deceased had left behind neither a widow nor child may be granted Ordinary Family Pension for life at normal rate as admissible under Regulation 64(a) of these Regulation subject to the condition that their earning is not more than Rs.3500/- + DR per month from all sources



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including pay, pension or self employment.

Note 1. Mother will receive Ordinary Family Pension first and after her death, father will be re-granted family pension. A mother who becomes widow and has not remarried remains eligible.

2. Income criteria shall be taken into account for both parents when both are alive.”

8. Thus the decision taken by the writ petitioners not to grant family pension on account of the death of her unmarried son, is in consonance with the Pension Regulations and we do not find any infirmity. The Tribunal, though considered Regulation 70, granted family pension which, in the opinion of this Court, is directly contradicting the Pension Regulations. Therefore, the respondent is entitled to receive the family pension of her missing husband as already sanctioned by the competent authority. With this observation, the impugned order is quashed and the writ petition stands allowed. Consequently, W.M.P.No.30411 of 2024 is closed. No costs.

Index : yes  
Neutral citation : yes  
ss

(S.M.S.,J.) (K.R.S.,J.)  
12.02.2025



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To

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