

O.A.No. 219 of 2007

Smt. Durga Rani Devnath	.....	Applicant
Vrs.		
Union of India and others	....	Respondents

Order dated 17/5 AUGUST 2007

Applicant Durgarani Debanath, claiming to be widow of late Gouranga Ch.Debanath, has filed this O.A. praying for the following relief:

“8. Relief sought for:

That, in the aforesaid fact and circumstances mentioned in para-4 above, this Hon'ble Tribunal may be pleased to direct:-

- (i) To direct the Respondent No.2 for release the pension of late Gouranga Ch.Debanath from leave period from 1.5.2000 to 21.7.2001 in favour of the petitioner to the local United Bank of India at Chandikhol.
- (ii) To direct the Respondents to transfer the pension papers to the local Bank i.e. United Bank of India, A/c No.11944, at Chandikhol in Orissa in the above mentioned address within a stipulated period and direct to release the pension from 21.7.2001 to till date.”

2. I have perused the pleadings and heard Shri Laxmidhar Kabi, the learned counsel appearing for the applicant.

3. Annexure A/1 series are Identity Card of Widows/War Widows of Ex-servicemen, Certificate of Service containing joint photographs, and Family Pension Certificate. Annexure A/2 is a purported letter dated 26.11.2001 issued by the Secretary, Zila Sainik Board, Midnapore, addressed to the Officer-in-Charge, ASC Records (MT), Bangalore 560007, forwarding the application submitted by the applicant regarding family pension. It is seen from the above documents that the applicant's husband Gouranga Ch.Debanath was a Naik in the military service of the Union. As per Section 2 (a) of the Administrative



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Tribunals Act, 1985, the provisions of the Act shall not apply to any member of the naval, military or air forces or of any other armed forces of the Union. After death of her husband on 21.7.2001, the applicant was perhaps granted family pension, but the same has been withheld for want of certain documents to be submitted by the applicant. The applicant's right, if any, to get family pension is based on her status as a widow of a retired military personnel and since the Tribunal lacks jurisdiction to entertain any grievance of a member of the military force to which the applicant's husband belonged, the Original Application is held to be not maintainable. In view of this, the Original Application being not maintainable is rejected in limine. The applicant is at liberty to approach the appropriate forum for redressal of her grievance.

  
(N.D.RAGHAVAN)  
VICE-CHAIRMAN