

ARMED FORCES TRIBUNAL, REGIONAL BENCH, CHENNAI

O.A. No.78 of 2014

Saturday, the 08th day of November 2014

THE HONOURABLE JUSTICE V. PERIYA KARUPPIAH
(MEMBER - JUDICIAL)

AND

THE HONOURABLE LT GEN K. SURENDRA NATH
(MEMBER – ADMINISTRATIVE)

Smt. M.K. Muneeswari
W/o Late Nk, K. Mahendra Kumar
(Ser.No.1380689-A), aged about 36 years
No.13/18/16, Gurunathan Compount
Nalla Curtalam Street
Near Balan, Srivilliputtur
District-Virudhunagar
Tamil Nadu, Pin-626125.

... Applicant/Applicant

By Legal Practitioners:
M/s. M.K. Sikdar,
R. Ratna Rengasamy
& A. Soundararaj.

vs.

1. Union of India
Rep. by The Under Secretary
IHQ of MoD (Army)
Ministry of Defence
South Block
New Delhi-110 001.

2. The Chief of the Army Staff
Rep. by The Coord & Pers Directorate/E1A
Engineer-in-Chief's Branch

Kashmir House, Rajaji Marg
P.O.-DHQ, New Delhi-110 011.

3. The Officer in-Charge Records
Record Office, Madras Engineering Group
Pin-900 493, C/o 56 A.P.O.

4. The Commanding Officer
No.8, Engineer Regiment, C/o 56 A.P.O.

5. The PCDA (P)
Draupadi Ghat, Allahabad (UP)
Pin-211 014.

... Respondents/Respondents

By Maj Suchithra Chellappan
JAG Officer

ORDER

(Order of the Tribunal made by
Hon'ble Justice V. Periya Karuppiyah, Member (Judicial))

1. M.A.No.140 of 2014 in O.A.No.78 of 2014 filed for condoning the delay in filing the Original Application is allowed.
2. Heard Mr. S.Biju, learned counsel representing Mr. M.K. Sikdar, learned counsel for the applicant. Major Suchithra Chellappan, JAG Officer is present for the respondents.
3. While addressing the arguments regarding admission of the case, the learned counsel for the applicant seeks liberty of this Tribunal to withdraw the application and to make an endorsement to that effect. Accordingly, the learned counsel is permitted to make the endorsement of withdrawal.

4. Considering the submissions and endorsement made towards withdrawal of the application, we find that it is just and necessary to permit the applicant to withdraw the application for filing a fresh mercy petition before the Adjutant General/Ministry of Defence towards grant of family pension on the death of her husband, an ex-serviceman. Accordingly, the applicant is entitled to file mercy petition as aforesaid for grant of family pension to the applicant within a period of one month from the date of receipt of the copy and on filing such mercy petition, the authorities concerned are directed to reconsider the same and to pass necessary orders in accordance with law. Accordingly, this application is dismissed as withdrawn with the aforesaid observation and direction. No costs.

Sd/
LT GEN K. SURENDRA NATH
MEMBER (ADMINISTRATIVE)

Sd/
JUSTICE V.PERIYA KARUPPIAH
MEMBER (JUDICIAL)

08.11.2014
(True copy)

Member (J) – Index : Yes/No
Member (A) – Index : Yes/No

Internet : Yes/No
Internet : Yes/No

VS

To:

1. The Under Secretary
Ministry of Defence
South Block
New Delhi-110 001.
2. The Chief of the Army Staff
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Draupadi Ghat, Allahabad (UP)
Pin-211 014.
6. M/s. M.K. Sikdar,
R. Ratna Rengasamy
& A. Soundararaj.
7. Maj Suchithra Chellappan
JAG Officer, For respondents.
8. OIC, Legal Cell, ATNK & K Area, Chennai.
9. Library, AFT, Chennai.

HON'BLE MR.JUSTICE V. PERIYA KARUPPIAH
MEMBER (JUDICIAL)
AND
HON'BLE LT GEN K. SURENDRA NATH
MEMBER (ADMINISTRATIVE)

O.A. 78 of 2014

Dt: 08.11.2014