

ARMED FORCES TRIBUNAL, REGIONAL BENCH, CHENNAI

O.A. No.46 of 2015

Wednesday, the 23rd day of September 2015

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

AND

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

1. Smt. Sarada 53 years
M/o 14641364-P
Late Nk Vinod Kumar of HQ 6 Sector RR
Kottai Veedugal, Vennampalli Village
Mallinayanapalli Post
Krishnagiri Taluk and District
Tamil Nadu, Pin-635120.

2. Seetharaman
F/o, Late Nk Vinod Kumar of HQ 6 Sector RR
Kottai Veedugal, Vennampalli Village
Mallinayanapalli Post
Krishnagiri Taluk and District
Tamil Nadu
Pin-635120.

... Applicants

By Legal Practitioner:
Mr. M.Selvaraj

vs.

1. Union of India, rep. by
its Secretary to Ministry of Defence
Defence Head Quarters, IHQ
South Block
New Delhi-110 010.

2. The Chief of Army Staff, rep.
by Integrated HQ of Ministry of Defence Army
New Delhi-110 011.

3. Managing Director
 Army Group Insurance Fund
 Adjutant General's Branch
 Integrated HQ of MOD (Army),
 AGI Bhawan
 RTR Marg PB No.14
 PO-Vasant Vihar, New Delhi-110057.

4. Principal Controller of Defence Accounts (P)
 PCDA (P), Droupadi Ghat
 Allahabad, UP, Pin-211 014.

5. The Officer in Charge Records
 The EME Records, Pin 900 453
 C/o 56 APO.

6. The Commanding Officer
 HQrs, 6 Sec R R Camp
 Pin-934706
 C/o 56 APO.

7. Mrs. Pradeepa, widow of 14641364-P
 Late Nk Vinod Kumar
 H.No.179, 18th Main, II Stage, 1st Phase
 BTM Layout, Post Office-Bannerugatta Road
 Tehsil-Bangalore South, District-Bangalore
 State-Karnataka.

....Respondents

By Mr. K.Ramanamoorthy
 For R-1, 2,4 to 6
 Mr. K. Sannjay-for R.3
 and Mr. S.Biju-for R.7

ORDER

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

1. Heard Mr. M.Selvaraj, learned counsel for the applicants and Mr. K.Ramanamoorthy, learned CGSC assisted by Major Suchithra Chellappan, learned JAG Officer appearing for respondents-1,2,4 to 6,

Mr. K.Sannjay, learned counsel for respondent-3 and Mr. S.Biju, learned counsel for respondent-7.

2. While taking up the case for further proceedings, the parties submitted a Joint Memo of Compromise entered into between the applicants and the 7th respondent in respect of the claim made in this application. The contents of the Joint Memorandum of Compromise run as below:

" JOINT MEMO OF COMPROMISE BETWEEN APPLICANT AND 7TH
RESPONDENT

It is submitted that both the applicants and 7th respondent unanimously arrived on compromise for following terms:

The 1st applicant alone to get 50% of Army Group Insurance and the remaining 50% of the Army Group Insurance for 7th respondent. The above AGI benefit of N.K. Vinod Kumar 14641364-P has to be divided as stated above and in respect of other benefits arising out the N.K. Vinod Kumar the applicants have no claim.

Dated at Chennai, this the 23rd September 2015.

*Sd/
Counsel for the applicants
Sd/
Counsel for the 7th respondent
Sd/
Counsel for R.1 R.2*

*Sd/
1st applicant
Sd/
2nd applicant
Sd/
7th respondent "*

3. We verified with the applicants and the 7th respondent in respect of the entering into compromise and filing of the Joint Memo before us. They candidly admitted the compromise entered and the filing of Joint Memo by them. Hence, we are inclined to record the Joint Memo of

Compromise filed by the applicants and the 7th respondent in respect of of the claim made in this O.A.

4. According to the terms of compromise, the first applicant is entitled to 50% of the AGI Fund and the 7th respondent is entitled to the remaining 50% of the said Fund and the applicants have no further claim in respect of other death benefits of the applicants' son, 14641364-P, Late NK Vinod Kumar. Accordingly, the application is ordered in terms of the Joint Memo of Compromise. No order as to costs.

5. The Joint Memo shall form part of this order. Time for payment of the benefits to the respective parties is 15 days after receipt of the copy of this order. The 3rd respondent is directed to pay the money payable to the respective parties within a period of 15 days from the date of receipt of the copy of this order with interest at 6% p.a. from the date of death of the applicants' son 14641364-P, Late NK Vinod Kumar, till it is fully paid. The O.A. is ordered accordingly.

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

Sd/
JUSTICE V.PERIYA KARUPPIAH
MEMBER (JUDICIAL)

23.09.2015
(True copy)

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

Internet : Yes/No
Internet : Yes/No

VS

To:

1. Secretary to Ministry of Defence
Defence Head Quarters, IHQ
South Block
New Delhi-110 010.
2. The Chief of Army Staff, rep.
by Integrated HQ of Ministry of Defence Army
New Delhi-110 011.
3. Managing Director
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C/o 56 APO.
7. Mr. M.Selvaraj
Counsel for applicant.
8. Mr. K.Ramanamoorthy, CGSC
Counsel for respondents-1,2,4 to 6.
9. Mr. K. Sannjay
Counsel for respondent-3
10. Mr. S.Biju
Counsel for respondent-7
11. OIC, Legal Cell,
DAKSHIN BHARAT AREA, Chennai.
12. Library, AFT, Chennai.

HON'BLE MR.JUSTICE V. PERIYA KARUPPIAH
MEMBER (JUDICIAL)
AND
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Dt:23.09.2015