

**Court No 2**  
(Reserved)

**ARMED FORCES TRIBUNAL, REGIONAL BENCH,  
LUCKNOW**

**Original Application No. 825 of 2025**

Monday, this the 19<sup>th</sup> day of January, 2026

**Hon'ble Mr. Justice Suresh Kumar Gupta, Member (J)**  
**Hon'ble Maj Gen Sanjay Singh, Member (A)**

Smt Reena widow of Number 4195699A Havildar (late) Jagat Singh Papola, village-Papoli, P.O.-Kafli, Tehsil-Dungnakuri, District-Bageshwar, Uttarakhand, PIN-263634.

.... Applicant

Ld. Counsel for the: **Col RC Jain (Retd)**, Advocate  
Applicant **Ms Divya Jain**, Advocate

Versus

1. Union of India through Secretary, DESW, Ministry of Defence (Army), New Delhi-110011.
2. Chief of the Army Staff, Integrated Headquarter of Ministry of Defence (Army), New Delhi-110011.
3. Additional Directorate General of Personnel Services, (AG/PS-4), Adjutant General's Branch, IHQ of MoD (Army), New Delhi-110011.
4. The Records, the Kumaon Regiment, Ranikhet, C/o 56 APO.
5. Principal Controller Defence Accounts (Pension), Draupadi Ghat, Allahabad-211014.
6. Cdr, 71 Mountain Brigade, PIN-908071, C/o 56 APO.
7. Commanding Officer, 3 NAGA, C/o 56 APO.

... Respondents

Ld. Counsel for the: **Mrs Anju Singh**, Advocate  
Respondents Central Govt Counsel.

## ORDER

1. Being aggrieved with denial of Ex-gratia Compensation vide order dated 11.06.2024 passed by PCDA (P), Prayagraj, the applicant has filed this O.A. under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs:-

*(i) Issue/pass an order or direction to the respondents to quash/set aside their illegal and unjust orders issued by PCDA (P) vide their letter No G-4/XI/PFC10249/2024 dt 11.06.2024, denying claim of grant of Ex-gratia Compensation to the applicant.*

*(ii) Issue/pass an order or direction to respondents to grant Ex-gratia Compensation of Rs 25,00,000/- (Rupees twenty five lakhs) alongwith interest for delay to the applicant in light of GOI, MoD letters No 20 (1)/98/D (Pay and Services) dt 22 Sep 1998 and 20 (2)/2016/D (Pay & Services) dt 02 Nov 2016 and B/41042/Ex-gratia/AG/PS-5 dt 10 Aug 2021.*

*(iii) Issue/pass any other order or direction as this Hon'ble Tribunal may deem fit in the circumstances of the case.*

*(iv) Allow this application with exemplary cost.*

2. Brief facts of the case are that the applicant's late husband was enrolled in the Army (The Kumaon and Naga Regiment) on 05.12.2000. During the course of his service, he married the applicant on 10.03.2007. While posted with HQ 71 Mountain Brigade Camp, on re-joining from 53 days part of annual leave, he was quarantined for 14 days w.e.f. 25.05.2021 due to COVID-19 Pandemic. On 30.05.2021, while checking the Air Cooler of quarantine barrack, the deceased soldier died due to electrocution. After death, a Court of Inquiry was held on 01.06.2021 to investigate the circumstances under which the deceased soldier died on 30.05.2021. The Court of Inquiry

opined that death in respect of the applicant's husband was attributable to military service. The applicant is in receipt of Special Family Pension and all applicable dues have also been paid to her. By means of this O.A. the applicant has prayed for grant of Ex-gratia compensation on the ground that her husband died being on bonafide military duty.

3. Learned counsel for the applicant submitted that while the applicant's husband was posted with 71 Mountain Brigade Camp, he met with an accident on 30.05.2021 (electrocution in the barrack) while undergoing mandatory quarantine w.e.f. 25.05.2021 after re-joining from part of annual leave. It is further submitted on behalf of the applicant that after electrocution, he was given CPR and brought to Base Hospital, Lucknow but declared dead. Learned counsel for the applicant further submitted that Chief Medical Officer, Lucknow vide letter dated 05.07.2022 declared death in respect of the applicant's husband due to Asphyxia due to suffocation (Annexure 4/1 of O.A.) and Commander 71 Mountain Brigade on 30.09.2022 (Annexure A-3 of O.A.) has also recommended grant of Ex-gratia compensation to the applicant on the ground that her husband was on bonafide military duty.

4. Learned counsel for the applicant further submitted that it is apparent from letter dated 11.06.2024 (Annexure A-1 of O.A.) that death in respect of applicant's husband occurred due to accident and that the individual while on quarantine was on duty

also at the time of accident, therefore causal connection being established between death and military duty, the applicant is eligible for grant of Ex-gratia compensation of Rs 25 lakhs. In support of his contention, learned counsel for the applicant has relied upon the Hon'ble Supreme Court in the case of ***Pension Sanctioning Authority & Ors vs ML George***, (2014) 09 SC CK 0119, ***Madan Singh Shekhawat vs UOI & Ors***, (AIR 1999 SCC 3378) and order dated 25.08.2021 passed by the AFT (PB), New Delhi in O.A. No. 1411/2017, ***Nk Devendra Singh vs UOI & Ors***.

5. On the other hand, learned counsel for the respondents submitted that while posted with 71 Mountain Brigade Camp, on re-joining from 53 days part of annual leave, the deceased soldier was quarantined for 14 days w.e.f. 25.05.2021 due to Covid-19 Pandemic. On 30.05.2021, while checking the Air Cooler of quarantine barrack, the deceased soldier unfortunately died due to electrocution. It is further submitted on behalf of the respondents that after the incident, Court of Inquiry was held on 01.06.2021 which declared his death as attributable to military service. Further, Commander, 71 Mountain Brigade on 30.09.2021 gave his opinion and recommendation on Court of Inquiry proceedings recommending Ex-gratia compensation to the applicant as death in respect of the applicant's husband was attributable to military service.

6. Learned counsel for the respondents further submitted that Ex-gratia claim in respect of the applicant was submitted to PCDA (P), Prayagraj in light of Govt of India, MoD letters dated 22.09.1998 and 02.11.2016 but the same was rejected by PCDA (P), Prayagraj vide letter dated 27.02.2023 with certain observations. It is further submitted that after clarifying the observations the claim was re-submitted to PCDA (P), Prayagraj but it was finally rejected vide letter dated 11.06.2024 stating that 'in the instant case the individual was on duty (in quarantine periods) but not performing the actual bonafide military duty while accident occurred. Further, as per AFMSF-93 (Part-II), Section 'D', it has been mentioned in the state of medical officer that the cause of death could not be ascertained and the probable cause could be electric shock which has also been mentioned in opinion of Court of Inquiry. Moreover, cause of death could not be ascertained as per Post Mortem report also. In view of the above, a causal connection could not be established between the occurrence of the death and Government service. At the time of accident, the individual was on duty but not performing any bonafide military duty. Hence, the Ex-gratia compensation claim is not accepted.' In light of the aforesaid letter of PCDA (P), Prayagraj, learned counsel for the respondents pleaded for dismissal of O.A. stating that there being no causal connection of death with military duty in respect of the deceased soldier, Ex-gratia compensation is not admissible to the applicant.

7. Heard learned counsel for the parties and perused the record.

8. The undisputed facts of the case are that the applicant's husband was enrolled in the Army on 05.12.2000 and while posted with 71 Mountain Brigade Camp he reported back from part of annual leave during the period of Covid-19 Pandemic. He was quarantined for 14 days w.e.f. 25.05.2021. On 30.05.2021 while checking the Air Cooler of quarantine barrack, the deceased soldier died due to electrocution. Court of Inquiry was held on 01.06.2021, which opined his death as attributable to military service. The said Court of Inquiry was duly approved by Commander, 71 Mountain Brigade who gave recommendation that the applicant be granted Ex-gratia lump compensation. After her husband's death, she is in receipt of Special Family Pension but claim for grant of Ex-gratia compensation has been rejected by respondent No. 5 stating that there was no causal connection between death of the applicant's husband and military duty.

9. There is no doubt that the applicant's husband after availing part of annual leave was quarantined for 14 days w.e.f. 25.05.2021 due to Covid-19 Pandemic. On 30.05.2021, he died due to electrocution. The Court of Inquiry has held death in respect of the applicant's husband attributable to military service. Besides this, Commander 71 Mountain Brigade has also recommended grant of Ex-gratia compensation to the applicant

vide recommendation dated 30.09.2022, which for convenience sake, is reproduced as under:-

*“1. Army Number 4195699A Havildar (late) Jagat Singh Papola was enrolled into the Army on 05 Dec 2000. The individual was posted with HQ 71 Mountain Brigade Camp with effect from 10 Dec 2019. The individual suffered fatal casualty while he was undergoing mandatory quarantine while on bonafide military duty. Shrimati Reena Papola (wife), the next of kin of the deceased soldier is required to be provided Ex-gratia relief.*

*2. Under the authority of Govt of India, Ministry of Defence letter No 20 (1)/98/D (Pay & Services) dt 22 Sep 1998 and 20 (2)/2016/D (Pay/Services) dated 01 November 2016 and B/41042/Ex-gratia/AG/PS-5 dt 10 Aug 2021, recommendation is hereby accorded for grant of Ex-gratia relief of Rs 25,00,000/- (Rupees twenty five lakh only) to Shrimati Reena Papola (next of kin), wife of Number 4195699A Havildar (late) Jagat Singh Papola of HQ 71 Mountain Brigade Camp.”*

10. During the Covid-19 Pandemic, as per the Ministry of Defence letter dated 25.03.2020, individuals in quarantine after returning from leave were considered ‘on duty’. The deceased soldier was undergoing mandatory quarantine w.e.f. 25.05.2021 upon return from leave when the accident of electrocution occurred in which he died, therefore, the Court of Inquiry and Commander 71 Mountain Brigade have rightly endorsed that the applicant was on bonafide military duty. Further, the deceased soldier was fulfilling his duty as required by military protocol and was recognized as being on ‘bonafide military duty’ by his superiors, therefore, on death of the applicant’s husband, the applicant seems to be entitled to grant of Ex-gratia compensation.

11. As per Govt of India, Ministry of Defence letter No. 20 (2)/2016/D (Pay/Services) dated 02.11.2016, Ex-gratia compensation of Rs 25 Lakhs is to be paid to the NOK of the

deceased Defence Forces Personnel who die due to accident in course of performance of duty. In the case in hand, there is no doubt that the deceased soldier died due to electrocution while on quarantine period, which being termed as duty, the NOK (i.e. the applicant) of the deceased soldier is entitled for grant of Ex-gratia compensation.

12. In view of the above, the O.A. succeeds and is **allowed**. Impugned order rejecting the claim for grant of Ex-gratia compensation to the applicant is set aside. The respondents are directed to grant due Ex-gratia compensation to the applicant within a period of three months on receipt of a certified copy of this order. Default shall carry interest of 8% p.a.

13. No order as to costs.

14. Miscellaneous application(s), pending if any, shall stand disposed off.

**(Maj Gen Sanjay Singh)**  
**Member (A)**

Dated: 19.01.2026  
*rathore*

**(Justice Suresh Kumar Gupta)**  
**Member (J)**

Form No. 4

Court No 2**{See rule 11(1)}**  
**ORDER SHEET**

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

O.A. No. 825 of 2025

Smt Reena

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India &amp; Ors

Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal  |
|-----------------------|---|
|                       | <p data-bbox="500 1311 639 1346"><u>19.01.2026</u></p> <p data-bbox="500 1346 1133 1381"><u>Hon'ble Mr. Justice Suresh Kumar Gupta, Member (J)</u></p> <p data-bbox="500 1381 1016 1416"><u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <ol data-bbox="500 1473 1468 1623" style="list-style-type: none"> <li>1. Order pronounced.</li> <li>2. <b>O.A. No. 825 of 2025</b> is allowed.</li> <li>3. For orders, see our judgment and order passed on separate sheets.</li> </ol> <p data-bbox="500 1736 846 1817">(Maj Gen Sanjay Singh)<br/>Member (A)</p> <p data-bbox="500 1817 561 1843"><i>rathore</i></p> <p data-bbox="927 1736 1341 1817">(Justice Suresh Kumar Gupta)<br/>Member (J)</p> |