

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

ORIGINAL APPLICATION No. 281 of 2021

Thursday, this the 13th day of January, 2022

Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)

No. 7080096A, Ex-NK, Ram Rajya, S/o Shanker Lal R/o Gali No.2 Behind HL Inter College, Post -Shanti Nagar, District-Banda, Pin Code-201102.

..... Applicant

Learned counsel for the Applicant : **Shri JN Mishra**, Advocate.
Shri DN Pandey, Advocate, and
Shri Gyanendra Kumar Sharma, Advocate

Versus

1. Union of India through Secretary Ministry of Defence (Army) South Block, New Delhi-110010.
2. Chief of the Army Staff, IHQ (Army), Army HQ, South Block, New Delhi.
3. Officer – in-Charge Records EME Records, Pin 900453, C/o 56 APO.
4. Dte Gen of EME (EME) pers, Master General of Ordnance Branch, Integrated HQ of MoD (Army), DHQ PO-New Delhi.
5. Principal Controller of Defence Accounts (pensions) Draupadi Ghat, Allahabad.

.....Respondents

Learned counsel for the Respondents. : **Dr. Shailendra Sharma Atal**,
Central Govt. Counsel

ORDER

1. The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs:-

- (A) *To issue / pass an order to set-aside /quash the order dated 01.02.2018, 06.08.2017 and 16.09.2017 passed by respondent No.3*
- (B) *To issue / pass an order or directions to the respondents to change the name of applicant's wife as Smt. Pramila Srivastava and change of Date of Birth of applicant's wife as 11.07.1965 and same has to be incorporated in the service particulars and PPO of applicant.*
- (C) *To issue / pass any other or direction as this Hon'ble Tribunal may deem just and proper under the circumstances of the case in favour of the applicant.*
- (D) *To allow this original application with costs.*

2. Heard learned counsel for the parties and perused the material placed on record.

3. The applicant through the instant O.A. has made a prayer to issue direction to the respondents for change of name, date of birth and date of marriage of his wife in service records after a gap of 31 years from the date of discharge from service. Earlier, the applicant had preferred various representations before the competent authority for the aforesaid purpose, which were not accepted on the ground that applicant had himself given declaration dated 14.07.1971 mentioning therein name of his wife Smt Mahadevi Shrivastava (date of birth-12.08.1948 and date of marriage-03.05.1961) for publication of Part II Order.

4. As per service records and PPO No. S/C/30700/85 dated 21.01.1985, his wife's name Smt Mahadevi Shrivastava is entered whereas applicant intends to get endorsed name of his wife as Smt Pramila Shrivastava on the ground that name, date of birth and date of marriage in respect of his wife has been wrongly endorsed in his service documents.

5. Applicant's contention that his marriage was solemnized with Smt Pramila Shrivastava (Date of birth-11.07.1965) on 18.06.1980 and the same is registered in the office of Sub Registrar-Sadar, District-Banda on 13.12.2018 is not tenable on the ground that applicant had himself submitted a declaration certificate dated 14.07.1971 stating that his marriage was solemnized with Mahadevi Shrivastava D/o Shri Babu Prasad on 03.05.1961 and her date of birth is 12.08.1948.

6. Further, when applicant was enrolled in the Army his date of birth was recorded as 01.03.1943 i.e. at the age of 20 years which seems to be correct. However, now the applicant has submitted his Aadhar Card wherein his date of birth is shown as 01.01.1953, which means that he was a 10 year boy at the time of enrolment on 27.12.1963 which was not possible to enlist.

7. In regard to change of name, date of birth and date of marriage of his wife, applicant had submitted a representation, which was rejected by EME Records vide letter dated

16.09.2018. Para 2 of the rejection letter is reproduced as under:-

"2. Suitable reply on the subject has already been forwarded to you and with a copy to Zila Sainik Kalyan Board Punarvas Karyalaya, Banda vide this office letter of even No dated 06 Aug 2017. Further, it is intimated that your wife's name is Mahadevi Shrivastava, notified with date of birth-12 Aug 1948 based on the declaration submitted by you duly countersigned by OC Unit (copy att). Since, the Aadhar Card and other docus were prepared after these endorsements, it is not accepted to treat these documents as an authority to change the name of your wife in our records. Hence, you are requested to approach concerned authorities to change the name in civil documents as per Army Records. There is no provision to change the name of NOK from Mahadevi Shrivastava to Pramila Shrivastava and DOB from 03 May 1961 to 11 Jul 1965."

8. We find that respondents version with regard to aforesaid rejection is supported by the policy letter dated 03.04.2018 (Annexure R-11) which envisages that change in surname/maiden name is permissible, but in the present controversy change of complete identity of NOK is sought for which is not permissible in the purview of the existing policy on the subject. As such, the respondents had rightly rejected the request of the applicant.

9. Applicant has filed copy of High School Certificate (Annexure-16) in respect of Smt Pramila Shrivastava alongwith

certificate of registration of his marriage (Annexure-14) at Sub Registrar-Sadar, Distt-Banda (UP). In this regard we observe that on 27.12.1963 when applicant was enrolled he claims he had declared himself unmarried before the enrolling officer (copy of enrolment form is annexed as R-9) whereas as per marriage declaration submitted by the applicant on 14.07.1971 (witnessed by L/Nk Dvr NT Unni and Sep/Dvr Ashok Shinde of 623 EME Bn) his marriage was solemnised on 03.05.1961 i.e. prior to enrolment into service, meaning thereby that if contention made by the applicant that his marriage was solemnised with Pramila Shrivastava on 18.06.1980 which was registered in the office of Sub Registrar-Sadar, Banda on 13.12.2018, her wife's (Pramila Shrivastava) age was 15 years (Minor) at the time of marriage as per her High School Certificate showing date of birth as 11.07.1965, which should have been objected by the Sub Registrar-Sadar, Banda while registering marriage. From the aforesaid observations an inference may be drawn that information related to marriage registration is not sustainable in the eyes of law.

10. During the course of hearing, we gave our anxious consideration and we find that complete change of identity of NOK is not permissible in law. Additionally, when applicant has himself signed declaration certificate dated 14.07.1971 with regard to particulars of his wife Mahadevi Srivastava (date of

birth-12.08.1948 and date of marriage 03.05.1961) (Annexure R-1), these cannot be altered at this stage.

11. In view of the above, O.A. has no merit and deserves to be dismissed. It is accordingly, **dismissed**.

12. No order as to costs.

13. Pending miscellaneous application(s), if any, stand disposed of.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

Dated:13.01.2022
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