

**AFR**

**Reserved**

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

**Original Application No. 287 of 2021**

Thursday, this the 27<sup>th</sup> day of January, 2022

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

No. 7077684H Hav Ram Naresh Singh (Retd), Son of Shri (Late) Mathura Singh Permanent Resident of Village – Sandwa Sombansiyar, Post- Sahab Ganj, District- Pratap Garh (U.P.)- 230137.

..... Applicant

Ld. Counsel for the: **Shri Shailendra Kumar Singh and**  
Applicant **Shri Ravi Kumar Yadav**

Versus

1. The Union of India, Rep by the Secretary, Ministry of Defence, South Block, New Delhi -110011.
2. The Chief of Army Staff, Integrated Headquarters of Ministry of Defence (Army) Post- DHQ New Delhi – 110011.
3. The Officer In- Charge, EME Records, PIN – 900453, C/o 56 APO.
4. PCDA (P) (Army), Draupadhi Ghat, Allahabad (U.P.) - 212114.

..... Respondents

Ld. Counsel for the : **Shri Namit Sharma,**  
Respondents **Central Govt Counsel**

**ORDER**

**“Per Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)”**

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

*A. To quash and set aside the Respondent No. 3 letter No 7077684/FP(E)/Pen dated 03 Jul 2020 (Annexure A-1 of instant OA & Impugned Order) wherein change of name and date of birth of applicant’s wife was rejected for further endorsement in PPO.*

*B. to issue / pass an order or directions of appropriate nature to the respondents to change the name and date of birth of applicant’s wife from SAMALTI SINGH (Date of Birth- 01 Jul 1946 to SHYAM LATA SINGH (Date of Birth – 12 Oct 1950) and thereafter endorse the same on PPO.*

*C. Any other relief as considered proper by the Hon’ble Tribunal be awarded in favour of the applicant.*

2. Rejoinder affidavit filed by the applicant is taken on record.

3. Facts giving rise to Original Application in brief are that the applicant was enrolled in the Army on 13.11.1963. He was discharged from service on 21.11.1980 and had been granted service pension from army vide PPO dated 02.03.1981. Thereafter, applicant joined DGQA on 15.06.1981 and retired

from there on 31.01.2005. Applicant is getting 2<sup>nd</sup> pension vide PPO dated 18.02.2005. Applicant represented his case for change of name and date of birth of his wife in his army service documents which was denied by the respondents. Being aggrieved applicant has filed instant O.A. for change of name and date of birth of his wife and thereafter endorse the same in PPO of the Army.

4. Learned counsel for the applicant submitted that applicant was enrolled in the army on 13.11.1963 and he was discharged from service on 21.11.1980. He was granted pension vide PPO dated 12.03.1981. Name of wife of the applicant was not endorsed in PPO as per policy in force at that time. Thereafter, the applicant joined DGQA service on 15.06.1981 and retired from there on 31.01.2005. Applicant is being granted 2<sup>nd</sup> pension vide PPO dated 18.02.2005. Thereafter, Corrigendum PPO for 2<sup>nd</sup> service was issued duly endorsed applicant's wife name as SHYAM LATA SINGH. The applicant had submitted application for revision of pension/ ordinary family pension entitlement shown in his PPO (Army). Respondents sought few documents for revision of pension and endorsement of name of applicant's wife. Documents were forwarded by the applicant. Respondents

informed the applicant that there is mismatch in date of birth and name of applicant's wife mentioned in service records and appendix containing change and suggested to forward few documents for change of name and date of birth. On 15.12.2001, applicant replied to their observations and submitted School Leaving Certificate, Voter Card etc in support of name and date of birth of his wife. Applicant received letter dated 18.07.2016 and 06.08.2016 stating that "as per service records applicant was married to Malhouthi Devi on 18.05.1966 and her date of birth was recorded as 01.07.1946 and thereafter applicant had changed his wife's name to Samalti Singh vide Chheoki Part II Order No 21/22/73 and now applicant had again requested to endorse his wife's name as Shyam Lata Singh in PPO for family pension". Respondents denied to endorse name as Shyam Lata Singh in PPO for the reasons:-

- (i) Policy allows only change in surname/maidan name.
- (ii) Applicant had already changed the name from Malhouthi Devi to Samalti Singh.
- (III) No provision to change of name of wife except surname or maiden name and date of birth except

typographical/clerical errors and in applicant's case no such error is found.

5. Applicant again approached respondents on 17.04.2018 for change of name and date of birth. Respondents sought for certain documents for change of name of wife. However respondents denied for change of date of birth after assuming that it will amount to change of identity of that person which is against the policy. Applicant forwarded all requisite documents for change of name and date of birth through Zila Sainik Board (ZSB) in Dec 2018. Respondents vide letter dated 31.05.2019 denied the change of both name and date of birth saying that applicant had already changed his wife's name from Malhouthi Devi to Samalti Singh during the year 1973 and policy does not allow change of name second time. Furthermore, respondents denied the change of date of birth stating that date of birth recorded in Marriage Certificate dated 27 Dec 2018 produced by the applicant differs/ mismatch from records held by them. Applicant was asked to forward some more documents. Applicant forwarded the documents through ZSB, Pratapgarh for endorsement of family pension entitlement in the PPO of living Armed Forces Pensioner. The respondents had shown inability to change date of birth owing

to difference of more than 04 years as recorded in service and proposed change in date of birth. Learned counsel for the applicant pleaded that applicant is drawing 2<sup>nd</sup> pension from DGQA wherein correct name of wife is Shyam Lata Singh and date of birth 12.10.1950 is recorded in their records and same had been endorsed in PPO issued by DGQA, hence respondents be directed to change the name and date of birth of applicant's wife from Samalti Singh and date of birth from 01.07.1946 to Shyam Lata Singh and date of birth as 12.10.1950 in PPO of the applicant of Army.

6. Per contra, learned counsel for the respondents submitted that as per the entries recorded in the service documents of the applicant, his family details (wife) are as under:-

(a) Smt Malhouthi Devi (wife) - DoB- 01.07.1946.

**(Name of wife changed as Smt Samalti Singh vide Veh Depot Wksp, Cheoki Part II Order No 21/22/73).**

Smt Samalti Singh (Wife) - DoM- 18.05.1966.

7. Applicant while in army service had submitted an affidavit dated 25.04.1973, wherein he had stated that previously the name of his wife was Malhouthi Devi and the

same has been changed to Smt Samalti Singh. Accordingly, the name of his wife which was recorded as Smt Malhouthi Devi was changed to Smt Samalti Singh. After discharge from army service, applicant was re-employed in the office of DGQA, Kanpur and had opted to withdrawn family pension from civil side i.e. from the re-employed authority instead of military side. However, in the year 2014, the applicant submitted a petition dated 20 September 2014 for endorsement of family pension. He was advised to forward certain mandatory documents required for endorsement of family pension along with application to this effect. Applicant submitted application for endorsement of family pension, application for revision of service pension and details of re-employment. On perusal of above documents, it was observed that applicant had mentioned the name of his wife as Smt Shyam Lata Singh with date of birth as 12 Oct, 1950, which was not tallying with the entry recorded in his service records wherein name of his wife was entered as Smt Samalti Singh with date of birth 01.07.1946. Hence, the documents were returned unactioned with advise to rectify the name of his wife or submit certain documents for publication of Part II Order for change of name of his wife to Mrs Shyam Lata

Singh. In reply, the applicant intimated that the name of his wife was previously Samalti Singh which has been changed and that in his 2<sup>nd</sup> pension PPO No Misc/06385/2005 issued by PCDA (P) Allahabad, name of his wife has been endorsed as Smt Shyam Lata Singh. Since the name, date of birth and date of marriage as recorded in the service documents were not tallied with the name, date of birth and date of marriage in the documents submitted by the applicant, the same were returned unactioned with an advice to re-submit the documents duly rectifying the observations. As per policy in force, there is no provision for change of name of NOK and only surname/ maiden name can be changed, hence documents received from the applicant were returned. Thereafter, the applicant submitted various representations which were suitably replied and applicant was informed that date of birth of his wife cannot be changed from 01.07.1946 to 21.10.1950, as the change of both name and date of birth of a person will purely change the identity of that person which is against the policy. Army Headquarters had issued policy letter No A/20105/MP-8 (I of R) (a) dated 03 Apr, 2018, wherein procedure for change of name of widow/wives of deceased soldiers/ veterans is given at Appendix 'A' and

Procedure for change of name of wives of serving soldiers is given at Appendix 'B'. As per Appendix 'A' to ibid policy letter , though the procedure for change of name of wives of the serving soldiers is given, but in Para 9 of the ibid Appendix, it is clearly stated that **'The change of name of wives of soldiers will be allowed once in life time and no second change will be permissible'**. Learned counsel for the respondents submitted that prayer of the applicant raised in O.A. is untenable in the eyes of law and applicant is not entitled to relief prayed.

8. We have heard learned counsel for the parties and perused the documents available on record.

9. The questions before us to decide are of two folds:-

(a) Whether the name and date of birth of the wife of a defence person can be changed in service documents or not?

(b) Whether change of name of wife is permissible second time or not?

10. In the instant case applicant was enrolled in the army on 13.11.1963. At the time of enrolment, he endorsed family details in his service documents as per rules of the army.

Name of his wife was endorsed as Smt Malhouthi Devi with date of birth was endorsed as 01.07.1946. On 25.04.1973, he gave an affidavit for change of name of his wife from Smt Malhouthi Devi to Samalti Singh. Copy of Affidavit dated 25.04.1973 is reproduced as under:-

**AFFIDAVIT**

*I, No 7077684 Havildar Clerk (SD) RAM NARESH SINGH of Vehicle Depot Workshop EME Cheoki do hereby solemnly affirm and declare as under:-*

*That previously the name of my wife was Malhouthi Devi and at present her name is Samalti Singh.*

*Signature*

*Deponent*

*(Hav RN Singh)*

*I, the aforesaid deponent further affirm and declare that the above particulars are true and correct to the best of my knowledge and belief and that nothing has been concealed therein.*

*Signature*

*Deponent*

*(Hav RN Singh)*

*No. 7077684 Hav Clk (GD)*

*Ram Naresh Singh*

*Vehicle Depot Workshop EME Cheoki*

**Certificate from OC**

*It is certified that No 7077684 Hav Clk (GD) RAM NAESSH SINGH is serving under my command and is well known to me and he has signed this affidavit in my presence.*

*Dated : 25.04.1973*

*(KO Joseph)*

*Capt*

*Notary Stamp*

11. In the affidavit applicant had stated that previously the name of his wife was Malhouthi Devi and the same has been changed as Smt Samalti Singh vide Vehicle Depot Workshop EME, Cheeki Part II Order No 21/22/73. Thus, contention of the applicant that it was a clerical error on part of the respondents in recording the name of wife of the applicant is wrong and baseless.

12. On 11.04.2001 while serving with DGQA, Kanpur applicant gave another Affidavit which is reproduced as under:-

**AFFIDAVIT**

1. *Samlta Devi, D/o Shri Man Bahadur Singh*
2. *Shri Ram Naresh Singh, S/o Shri Mathura Singh, solemnly declare and affirm as under:-*
  1. *That we are married as per Hindu Marriage Act and are living together as married couple since 16<sup>th</sup> June 1962.*
  2. *That Samalti Devi, D/o Shri Man Bahadur Singh, would henceforth be known as Smt SHYAMLATA SINGH, W/o Shri Ram Naresh Singh, Resident of L-219 Ganga Vihar, Jajmau, Kanpur 208010 by virtue of our marriage.*
  3. *That our joint photograph is affixed below*

*Signature of Deponents:*

*Signature.....*

1. *Smt Shyamlata Singh, House No L-219, Ganga Vihar Jajmau, Kanpur- 208010*

*Date: 11 Apr 2001.*

*Signature.....*

2. *Shri Ram Naresh Singh, House No L-219, Ganga Vihar Jajmau, Kanpur- 208010*

*Date: 11 Apr 2001.*

***Joint Photographs***

13. On the basis of this affidavit, name of the wife of applicant was recorded as Shyam Lata Singh in service documents of applicant at DGQA, Kanpur.

14. On 23 Sept 2019 applicant prepared third Affidavit for change of name and date of birth of his wife in service record of the army which is reproduced as under:-

**AFFIDAVIT/SELF DECLARATION**

*I, No 7077684-H, HAV/CLK RAM NARESH SINGH date of Birth 20<sup>th</sup> Jan 1945, S/o Late Mathura Prasad Singh, Resident of Village – Sandwa Sombansiyan, Post- Sahab Ganj, Tehsil- Lalganj, District- Pratap Garh (U.P.) 230137 do hereby solemnly affirm and state on oath as follows:-*

*(a) That, Smt Shyam Lata Singh is legally wedded spouse of No 7077684-H Rank- Hav/Clk, Name – Ram Naresh Singh (Retd) and is presently residing at Village – Sandwa Sombansiyan, Post – Sahab Ganj, District – Pratap Garh (U.P.) 230137.*

- (b) *That, Smt Shyam Lata Singh whose date of Birth is 12.10.1950, daughter of Late Man Bahadur Singh, and Mrs Champa Singh married with No 7077684-H Hav/Clk Ram Naresh Singh, is residing at Village - Sandwa Sombansiyan, Post – Sahab Ganj, Tehsil – Lal Ganj, District – Pratap Garh (U.P.) 230137 since her marriage with her Husband Ram Naresh Singh.*
- (c) *That, I Ram Naresh Singh, do hereby declare on oath, that marriage alongwith Smt Shyam Lata Singh was solemnized on 16<sup>th</sup> June 1962 at Village- Anjiya, Machhli shahar, Jaunpur (U.P.) 222201 and her date of birth is 12.10.1950.*
- (d) *That I Ram Naresh Singh hereby declare on oath that Smt Shyam Lata Singh, whose date of birth is 12.10.1950, Wife of No 7077684-H Hav/Clk Ram Naresh Singh (Retd) has already been granted family pension by Pr CDA (Pensions) Allahabad vide Original PPO No C/MISC/16043/2005 dated 18.02.2005 and New PPO No 408200500495 PPO Suffix 0199 dated 16.07.2018.*
- (e) *That, I No 7077684-H Hav/Clk Rama Naresh Singh (Retd), am producing this Affidavit to EME Records in Original for the purpose of evidence of date of birth 12<sup>th</sup> Oct 1950 and also Name of my wife Smt Shyam Lata Singh.*
- (f) *That at all times hereafter in all records, deeds and writing and in all proceedings, dealing with transaction, private as well as under all occasion what so ever be known as only Smt Shyam Lata Singh with her date of birth 12.10.1950 wife of No 7077684-H Hav/Clk Ram Naresh Singh (Retd).*
- (g) *That, what is stated above is true and correct to the best of my knowledge, information and belief. Nothing material has been concealed there from.*

*Date : 23 Sept 2019*

*Signature of Deponent*

*Place : Pratap Garh (U.P.)*

*(Ram Naresh Singh*

*Notary Stamp*

*S/o Late Mathura Prasad Singh*

**VERIFICATION**

*I, the Deponent above named, do hereby solemnly declare and verify that the contents of the above Affidavit are true to the best of my knowledge and belief and nothing has been concealed or suppressed there from.*

*Date: 23 Sept 2019*

*Signature of Deponent*

*Place : Pratap Garh (U.P.)*

*(Ram Naresh Singh)*

*S/o Late Mathura Prasad Singh*

*Identified by :*

*Oath Commissioner*

*Stamp*

15. On the basis of this affidavit, applicant approached army authorities for change of name and date of birth of his wife in his service documents of the army. Applicant along with affidavit, forwarded copy of pass port, Copy of Adhar Card, copy of School Leaving Certificate but her name and date of birth was not changed by the respondents stating change of name of wife is permissible only one time.

16. OIC Records is the competent authority to approve a change request, and if any case is found to be doubtful, the approval can be denied within the ambit of the policy. Each

case is required to be examined and decided by the competent authority on its own merits. Where any case is found to be doubtful or not free from ambiguity, the same may be rejected after recording the reason in the case noting and the concerned applicant may be informed.

17. As far as change of date of birth of the wife is concerned, once it is recorded in service documents, it is final and no change in date of birth is permitted until and unless it is very special case wherein there is over whelming evidence to show that bonafide mistake has been made in recording the date of birth and the date of birth recorded in service records is incorrect. If the date of birth of the wife of applicant was recorded wrong, then applicant should have consulted the competent authority within few months for correction of date of birth of his wife. In the instant case applicant joined army service in the year 1963 and recorded date of birth of his wife in his service documents as 01.07.1946. In the year 1973 while serving in the army, he applied for change of name of his wife which was changed but at that time he was silent regarding change of date of birth of his wife. In the year 2001 he again gave another affidavit in which change of name was sought but nothing was mentioned regarding change of date

of birth of his wife. It is in the year 2019 after about 56 years from the date of entry in army service documents, applicant approached respondents for change of date of birth. Thus, on this belated stage, change of date of birth of the wife of applicant is not justified.

18. Army Headquarters has issued policy letter dated 03.04.2018 regarding change of name of wives of veterans and serving soldiers. There have been number of cases reported by various Record Offices regarding change of first and middle name of widows of deceased soldiers and wives of serving soldiers/veterans. There are number of cases of widows/wives of serving soldiers in whose cases names are not tallying with Sheet Rolls and applications received from widows of deceased soldiers and wives of serving soldiers/veterans. Now the competent army authority has issued certain guidelines for change of name and date of birth of wives of veterans. New policy has now been introduced to alleviate the suffering of next of kin (NOKs) whose family pension claims are rejected/ placed under observation on account of incorrect documentation at the time of enrolment or later on during the currency of their service. Appendix A to this policy letter deals with procedure for change of name of

widows/wives of deceased soldiers/veterans: Paras 2 and 11 of the Appendix 'A' to policy letter being relevant are reproduced as under:-

“2. **Definition of Change of name.** *The purpose of this policy is to alter the first name and or the middle name in any form for any purpose and which is not as per the documents submitted will be considered as change of name. The following will be constructed as 'Change of Name':-*

- (a) Inclusion/ deletion of a letter.*
- (b) Inclusion/ deletion of First name, Middle Name and Surname.*
- (c) Inclusion/ deletion of any part of the Name.*
- (d) Change in Name on change of Marital Status.*
- (e) Split/ merger of any part/ parts (First name, Middle Name and Surname) of the Name.*
- (f) Any change that is not as recorded in the documents submitted earlier.*

*11. The change of name of widows of deceased veterans/wives of veterans will be allowed once in lifetime and no second change will be permissible”.*

19. We are of the considered opinion that publication of birth Part II Order, name etc. of the family members in the Army record even after retirement should be held permissible, in case the prayer is based on genuine and bonafide grounds. In the present case applicant was a Clerk and he was well aware of the rules and regulations for change of name and date of birth in service record. Name of wife of the applicant

has already been changed from Malhouthi Devi to Samalti Singh on the basis of affidavit given by the applicant in the year 1973. If there was any clerical mistake, the applicant should have reported the matter to concerned officer within few days. Change of date of birth Part II Order can be published on the basis of bonafide documents submitted in support of claim. Applicant has given three affidavits. First affidavit was given while applicant was serving in the army in the year 1973 for change of name of his wife from Malhouthi Devi to Samalti Singh in army service documents. Second affidavit was given by the applicant in the year 2001 while he was serving in DGQA Kanpur for change of name of his wife from Samanti Singh to Shyam Lata Singh in DGQA service documents. Third affidavit was given by the applicant in the year 2019 for change of name and date of birth of his wife in PPO of army service. It creates a doubt that how one can give affidavit three times for change of name of spouse, hence army authority has denied for change of name and date of birth. As per policy on the subject, name of spouse can be changed only one time.

20. In view of the above, we do not find any irregularity or illegality in not changing the name and date of birth of the wife

of applicant hence, there is no violation of Army Rules 13 and Article 20 of the Constitution of India as alleged by the applicant. The O.A. is devoid of merit and deserves to be dismissed. It is accordingly **dismissed**.

21. No order as to costs.

22. Miscellaneous applications pending, if any, shall stand disposed off.

(Vice Admiral Abhay Raghunath Karve)  
Member (A)

(Justice Umesh Chandra Srivastava)  
Member (J)

Dated : 27 January, 2022  
Ukt/-