

**E-Court****ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW****Original Application No. 267 of 2021****Friday, this the 03<sup>rd</sup> day of September, 2021****Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)**  
**Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)**

Ramwati widow of No 3143823L late Reservist Virender Singh,  
Resident of Village & Post-Madona Jafrabad, Tehsil-Syana, District-  
Bulandshahr (UP).

.... Applicant

Ld. Counsel for the: **Shri Ramesh Chandra**, Advocate.  
Applicant

Versus

1. Union of India, through, the Secretary, Ministry of Defence, Government of India, New Delhi-110011.
2. Chief of the Army Staff, Integrated Headquarters of Ministry of Defence (Army), DHQ, Post Office-New Delhi-110011.
3. The Officer-in-Charge Records The JAT Regiment, Bareilly (UP)-243001.
4. PCDA (P), Draupadi Ghat, Allahabad-14 (UP).
5. Branch Manager, Punjab National Bank, Bhawan Bahadur Nagar, Bulandshahr (UP).

... Respondents

Ld. Counsel for the **Dr. Gyan Singh**, Advocate  
Respondents. Govt Standing Counsel

**ORDER (Oral)**

1. The instant Original Application has been filed on behalf of the applicants under Section 14 of the Armed Forces Tribunal Act, 2007, whereby the applicants have sought following reliefs:-

*(a) The Hon'ble Tribunal may be pleased to direct the respondents to disburse/release the family pension w.e.f. 15.03.2019 (date of death of husband) in taking into consideration the date of birth of the applicant as recorded in the Treasury Office/Bank records and they may also be directed to take consideration date of birth as suggested by the Records Office.*

*(b) Any other appropriate order or direction which this Hon'*

*(c) Allow the original application with consequential benefits.*

2. Brief facts of the case are that No. 3143823-L Virender Singh was a reservist pensioner who solemnized second marriage with applicant Ramwati on 25.06.1965 and occurrence to this effect was notified vide Part II order No 58/82/65 wherein her date of birth was recorded as 25.06.1947. After death of Virender Singh on 15.03.2019, applicant approached Record Office JAT Regiment, Bareilly on 12.06.2020 for grant of family pension but she was denied as her name was not entered in PPO. She visited their office on 20.07.2020 for joint notification of her name in PPO. In support of her name and date of birth, she submitted Adhar Card in which her name and date of birth was mentioned as Ramvati, DOB-01.04.1940 whereas in Army Records the details are endorsed as Ramwati, DOB-25.06.1947. Thereafter, applicant visited UIDAI, Regional Office, Lucknow for change in name and date of birth in her Adhar Card as per entries held in Army but she

was denied. This O.A. has been filed for correction in spelling of her name and change in date of birth as per Adhar Card so that Addhar Card could be linked with pension account which contains her name as Ramvati, DOB-01.04.1940.

3. Submission of learned counsel for the applicant is that applicant is facing great financial hardships on account of non receipt of family pension. He pleaded for correction of applicant's name and date of birth as recorded in her Adhar Card and bank account.

4. On the other hand, submission of learned counsel for the respondents is that Sep Virender Singh had himself declared her wife's name as 'Ramwati' and date of birth as '25.06.1947' at the time of notification of his re-marriage with applicant after demise of his first wife. His further submission is that occurrence to this effect has already been published vide Part II Order No. 58/82/65 and during his life time since Sep Virender Singh did not approach the Record Office for correction of name and date of birth of his wife, therefore, the entries cannot be corrected at this stage in view of policy constraints issued by Ministry of Defence dated 13.11.2014 when the soldier is no more. He pleaded for dismissal of O.A.

5. We have heard learned counsel for the parties and perused the material placed on record.

6. It is not disputed that applicant is widow of late Sep Virender Singh whose name was notified in service record of the deceased soldier vide Part II Order No 58/82/65. While making entries her name was recorded as Ramwati and DOB as 25.06.1947, whereas in Adhar

Card and pension account her name is recorded as Ramvati and DOB as 01.04.1940.

7. After perusing all pensionary documents with regard to name and date of birth of applicant, it emerges as under:-

(i) Name and date of birth recorded in service documents of the deceased soldier-Ramvati (DOB-25.06.1947).

(ii) Name and date of birth recorded in pension account No. 00100019912 held with PNBBS Nagar, Bulandshahr-(PPO No. S/7199/76)-Ramvati (DOB-01.04.1940).

(iii) Name and date of birth recorded in Adhar Card No. 2044 0707 8418-Ramvati (DOB-01.04.1940).

8. The respondents have denied aforesaid correction due to policy constraints issued by Govt of India, Min of Def on 13.11.2014. We have gone through the aforesaid policy and we find that the policy is in favour of the applicant which reads as under:-

*“The basic aim of the policy is to rectify any initial clerical level mistake and also to address genuine case where a bonafide date of birth has been inadvertently got recorded in the service documents wrongly”.*

Therefore, the contention made by the respondents that correction in name and date of birth cannot be made being unjustified, is rejected.

9. From the aforesaid, it is clear that in all documents applicant's name and date of birth is mentioned as Ramvati (DOB-01.04.1940) except in service documents of the deceased soldier which has notified her name and date of birth as Ramvati (DOB-25.06.1947). Since,

applicant's husband is no more, therefore changed declaration cannot be submitted at this stage.

10. In view of the above respondents are directed to make following correction in service documents of the deceased soldier:-

Name of wife -Ramvati

Date of birth -01.04.1940

11. In view of the above, the O.A. is **allowed**. The respondents are directed to make aforesaid correction within a period of two months from today and release applicant's due family pension w.e.f. the date next to the date of death of her husband.

12. No order as to costs.

13. Pending application(s), if any, shall stand disposed off.

(Vice Admiral Abhay Raghunath Karve)  
Member (A)

(Justice Umesh Chandra Srivastava)  
Member (J)

Dated : 03.09.2021  
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