

**Court No.1****ARMED FORCES TRIBUNAL, REGIONAL BENCH,  
LUCKNOW****O.A. No. 306 of 2017**Friday, the 07<sup>th</sup> day of September, 2018**Hon'ble Mr. Justice SVS Rathore, Member (J)**  
**Hon'ble Air Marshal BBP Sinha, Member (A)**

Sub Clerk No. **JC729533X** Khalid Husain Siddiqui, S/o Late Zahid Husain Siddiqui, R/o Village Itkauli, P.O.- Saifullah Ganj, Tehsil- Sultanpur Sadar, District- Sultanpur, Presently serving in at HQ Central Command (Ord.) Lucknow-02.

.....Applicant

Ld. Counsel for the Applicant: **Shri S.K. Singh, Advocate**

Versus

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi-110011.
  2. Chief of the Army Staff, Integrated Head Quarter of the Ministry of Defence (Army), South Block, New Delhi-110011.
  3. Integrated H.Q. of Mod (Army), Adjustment General's Branch, Addl. dte Gen MP/8 (I of R), West Block, R.K. Puram, New Delhi.
  4. A.O.C. Records for OIC Records Sikandarabad Pin No. 900453 C/o 56 APO.
  5. P.C.D.A (P) Draupadi Ghat Allahabad, U.P.
- .....Respondents

Ld. Counsel for the Respondents: **Shri R.C. Shukla,**  
**Advocate****ORDER (Oral)**

1. We have heard learned counsel for the parties and perused the record.

2. By means of this OA under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has made the following prayers:

*“(i) That Hon’ble Tribunal may kindly be pleased to quash/set aside the order dated 17 May 2017 passed by opposite party regarding applicant request for change in maiden name of his wife as Shahista Parveen Siddiqui in place of Shagufta Parveen Siddiqui in relevant pension documents of the applicant who has already been retired on dated 31<sup>st</sup> May 2017 at Sikandarabad has not been considered as contained as **Annexure No.1** with the petition.*

*(ii) That Hon’ble Tribunal may kindly be pleased to direct the opposite party to provide pension relevant document in favour of the applicant to consider applicant request on the basis of recommendation given by Lt. Col. Ajay Menon on the basis of condition fulfilled by applicant as Mod (Army) letter no. A/20105/MP-8 dated 15<sup>th</sup> May 2008 has been fulfilled.*

*(iii) That Hon’ble Court may kindly please to direct the authority of CDA pension Allahabad to release PPO and relevant document and retrial dues which are admissible in favour of the applicant.*

*(iv) That Hon’ble Tribunal may kindly pass any other order or direction which this Hon’ble Court may deem just and proper be passed in favour of the applicant.”*

3. Thus, the applicant through the instant OA has made a prayer for change of the name of his wife in service records. Earlier, the applicant had preferred a representation before the competent authority for the aforesaid purpose, which was

rejected by speaking order dated 17.05.2017. The said order reads as under:

**“SPEAKING ORDER**

BY HAND  
AOC Records  
PIN-900453  
C/o 56 APO

17 May 2017

ER/D-4/JC-729533X/T-1

JC-729533X Sub Clk (IM)  
Khalid Husain Siddiqui  
Depot Coy, Adm Bn,  
AOC Centre, Secunderabad-15

**SPEAKING ORDER : IN THE CASE OF OA No 129/2017**

1. WHEREAS you have filed an OA No129/2017 in the Hon'ble AFT (RB) Lucknow for change of maiden name of your wife from 'SHAGUFTA PARVEEN SIDDIQUI' to 'SHAHISTA PARVEEN SIDDIQUI'.
2. WHEREAS as per IHQ of MoD (Army) letter No A/20105/MP-8 (I of R) (a) dated 15 May 2008 (Copy att) change of 'maiden name' only is permissible but change of first name of wife is not permissible as per existing policy issued vide IHQ of MoD (Army) letter No A/20105/MP-8 (I of R) (a) dated 19 Sep 2016 (Copy att).
3. WHEREAS as per OXFORD Dictionary, meaning of maiden name is clearly defined as 'The surname of married woman before her marriage'.
4. WHEREAS in your above mentioned OA No 129/2017 you have requested for change of 'first name' of your wife and not the 'maiden name' of your wife. Also the name of your wife and name of husband of your wife mentioned in the Voter id submitted by you does not match as requested by you vide HQ Central Command (Ord) letter No 450328/Pt-II/OS-Adm dated 03 Nov 2016 as under:-

Name as per Voter ID	Name as requested for change
Lady- SHAHISTA PARVIN Husband- Khamid Husain Date of Birth of lady- 1976	Lady- Shahista Parveen Siddiqui Husband- Khalid Husain Siddiqui Date of birth of lady as per Aadhar Card- 03 Feb 1974

5. WHEREAS as per the existing policy, change of only maiden name is permissible hence your request for change of first name of your wife is not within the purview of policy.

Sd./-  
Brig  
OIC Records

Encls: (As above)

Copy to:-  
AFT Cell,  
Lucknow Sub Area

1. Refer your Sig No. A/185013/12 May 17/DP/AFT dt 15 May 2017.
2. Please intimate name of Local Defending Unit in the subject case.
3. Hon'ble AFT may please be apprised of this speaking order. Brief of the case and parwise comments are in post."

4. Learned counsel for the applicant has fairly conceded that there were mistakes in Voter ID Card and Aadhar Card and after the afore-mentioned Speaking Order, the said mistakes in Voter ID Card and Aadhar Card have been corrected by the competent authority; therefore, the applicant is now entitled to the relief claimed.

5. On behalf of the respondents, it has been submitted that there is an Army Policy of 2008 regarding change of name of wife in service records of individuals, which reads as under:

*"Integrated HQ of MoD (Army)  
Adjutant General's Branch  
Addl Dte Gen MP/MP 8 (I of R)  
West Block III, R K Puram  
New Delhi-110066*

A/20105/MP-8 (I or R)(a)

15 May 2008

Officer-in-Charge Records  
AOC Records  
(All Record Offices)

**CHANGE OF NAME OF WARDS OF SERVING/  
EX-SERVCEMEN PERSONNEL BELOW OFFICERS RANK (PBOR)**

1. As per Integrated HQ of MoD (Army) letter No A/20105/MP-8 (I of R) (a) dt 28 Aug 2002, exhaustive instructions on publication of Part II Orders affecting Kindred Rolls of serving/retired PBOR were issued.
2. This HQ have been receiving number of requests/representations from environment for making changes in the name of wife and children of serving as well as ex-servicemen due to one or the other reasons. Since there was no provision for making any change in kindred roll portion of sheets rolls, no action was taken on these requests/representations.

3. Now the proposal has been examined de novo and it has been decided that the following occurrences will be accepted and published in the Part II Orders for serving/ex-servicemen provided the requests are supported with the requisite documents as mentioned against each:-

<u>Ser No</u>	<u>Occurrence</u>	<u>Supporting documents</u>	
		<u>Serving Personnel</u>	<u>Ex-Servicemen/ widows</u>
(a)	Addition of surname of PBOR to the name of wife and children of serving and retired PBOR	(i) A declaration cert by the indl duly authenticated by two witnesses and counter-signed by CO unit only	(i) An affidavit sworn in before a first class Magistrate
(b)	Changes in the maiden name of wife	(i) A declaration cert by the indl duly authenticated by two witnesses and counter-signed by CO unit only.	(i) An affidavit sworn in before a first class Magistrate
		(ii) Extracts from two national dailies wherein notice regarding the change of name has been published for the general information of the public at large.	(ii) Extracts from two national dailies wherein notice regarding the change of name has been published for general info of the public at large.
		(iii) CTC of School leaving cert/cert from Principal of the School.	(iii) CTC of School leaving cert/cert from Principal of the School.
		OR	OR
		Extract of birth/death register maint by the Village Panchayat/ Municipality.	Extract of birth/death register maint by the Village Panchayat/ Municipality.
		(iv) An affidavit duly sworn in before the first class Magistrate	
(c)	Change of name of children and own mother/sister.	(i) A declaration cert by the indl duly authenticated by two witnesses and counter-signed by CO unit only.	(i) An affidavit duly sworn in before the first class Magistrate.
		(ii) Extract of birth/ death register maint by the Village Panchayat/ Municipality.	(ii) Extract of birth/death register maint by the Village Panchayat/

Municipality.

OR

OR

CTC of School leaving cert/cert from Principal of the School.

CTC of School leaving cert/cert from Principal of the School.

(iii) Extracts from two national dailies wherein notice regarding the change of name has been published for the general information of the public at large.

(iii) Extracts from two national dailies wherein notice regarding the change of name has been published for the general info of the public at large.

(iv) An affidavit duly sworn in before the first class Magistrate.

4. Any certificate or proof produced by serving/retired PBOR, if found to be false at any stage it would render the concerned occurrence null and void and necessary action will be taken against the defaulters. It is, therefore, of paramount importance that the Record Offices satisfy themselves thoroughly on the genuineness of documents produced by the serving/retired PBOR/ widows before accepting for publication of occurrences. It may be noted that the requests from ex-servicemen/widows must be routed through concerned Zila Sainik Board and duly countersigned. All old cases pending with units/Record Offices will be cleared by Dec 2008. Necessary amdt in Appx 'J' Documentation Procedure JCOs and OR is under process.

- a. This has the approval of the Adjutant General.
- b. Suitable ROI may be issued.

Sd./-  
(Venugopal MN)  
Brigadier  
DDG MP 8 (I of R)  
For Adjutant General"

**(All Line Dtes)**

- For information please

PCDA (Pensions)  
Draupadi Ghat  
Allahabad-211014

- For information please

Minister of Defence  
(Kendriya Sainik Board)  
West Block IV, RK Puram

- It is requested that the points relating to Ex-Servicemen/NOKs covered in this policy letter may

*New Delhi.*

*Kindly be given wide publicity  
Amongst the Rajya Sainik Boards  
And the Ex/Servicemen/NOKs*

*Dy Dir General Resettlement  
West Block IV, RK Puram  
New Delhi-110066*

*HQ Southern Command (A)  
HQ Eastern Command (A)  
HQ Western Command (A)  
HQ Northern Command (A)  
HQ Army Training Command(A)  
HQ South West Command (A)  
HQ A & N Command (A)*

*Wide publicity may please be  
given amongst Serving PBOR/  
Ex-Servicemen/NOKs"*

6. Learned counsel for the respondents submits that the civil documents filed by the applicant in support of his prayer for change of the name of his wife and her date of birth were at variance; therefore, the competent authority was absolutely right in rejecting the prayer of the applicant for correction of the name of his wife. It is further submitted that the applicant, after getting the civil documents corrected, has not yet approached the competent authority for correction of the name of his wife and has straightway filed this OA. It has been vehemently argued that the impugned order was passed on the basis of material in the form of civil documents which were then available before the competent authority and the same cannot be assailed on the ground that subsequently those civil documents were got corrected until they are placed before the competent authority for further consideration and passing of appropriate orders taking into consideration the said corrected civil documents.

7. It is an admitted fact that at the time the impugned order was passed, whereby the prayer of the applicant for change of the name of his wife was rejected, the civil documents filed by the applicant were at variance. Admittedly the said civil documents were got corrected by the applicant subsequently from concerned civil authorities. Therefore, on the basis of this subsequent development, the speaking order passed by the competent authority rejecting the claim of the applicant cannot be assailed. We, therefore, in the interest of justice direct the applicant to move a fresh representation annexing therewith copy of this order and all the corrected civil documents in support of his prayer for correction of the name of his wife in service record, before the competent authority within a period of one month. If such a representation is moved within the time stipulated, the competent authority shall dispose of the same by passing a reasoned and speaking order in accordance with the Policy in vogue within two months thereafter.

8. With the aforesaid direction, this OA stands finally **disposed of.**

Copy of this order be provided to the applicant on payment of usual charges within a week.

**(Air Marshal BBP Sinha)**  
**Member (A)**

**(Justice SVS Rathore)**  
**Member (J)**

Dated: Sept. 07, 2018

LN/-