

**COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

11.

OA 2927/2025

Smt Lokmaya Thapa Wd/o
Late Hav Chandra Singh Thapa Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Virendra Singh Kadyan, Advocate
For Respondents : Mr. R. S. Chillar, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT. GEN. SHASHANK SHEKHAR MISHRA, MEMBER (A)

O R D E R
23.09.2025

Shri R. S. Chillar appearing for the non-applicant on advance notice raises a preliminary objection as to maintainability of this application. He submits that the earlier application filed by the applicant being OA No.119/2018 was dismissed both on grounds of delay and merit on 08.02.2018 (Annexure A1) and therefore this fresh application is barred.

2. Learned counsel for the applicant, however, relies on Para 12 of the order dated 08.02.2018 wherein certain directions were issued. On query he places reliance on Annexure A3, an order dated 25.10.2013 passed by the Hon'ble Judge Dayanath Kharel, Shree District Court, Palpa which was based on a conciliation deed and settlement. This order however precedes the Tribunal's decision in OA No.119/2018 and therefore cannot be the order contemplated in Para 12. Further there is nothing on record to show that pursuant to liberty granted by this Tribunal on

08.02.2018 any declaratory suit was filed or decreed declaring the applicant to be the second wife of the concerned employee. In the absence of such material prima facie the objection of Shri Chillar has force and the principles of constructive res judicata would bar this application. However in the interest of justice the applicant is granted six weeks' time to file an affidavit enclosing all documents relating to any civil suit filed pursuant to liberty granted and the order, if any, passed therein failing such demonstration this application shall stand dismissed as not maintainable on the principles of res judicata.

3. List the matter again on 17.11.2025.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[LT. GEN. SHASHANK
SHEKHAR MISHRA]
MEMBER (A)**

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