

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

175.

OA 852/2020

Ex CFN Kishor Kumar

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant

: Mr. Anand K. Chauhan, Advocate

For Respondents

: Mr. Anil Kr Gautam, Sr. CGSC for R 1-5,

Mr. Pradeep Arora for R- 6

None for R-7

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

HON'BLE LT GEN P. M. HARIZ, MEMBER (A)

O R D E R

22.11.2023

This is a case where the applicant has challenged the action taken against him in the matter of his discharge on the ground of plural marriage. The applicant is said to have contracted plural marriage with respondent No. 7.

2. Notices were issued to both respondent Nos. 6 and 7 on various occasions and the records indicate that from the first date of listing up to 2<sup>nd</sup> November, 2022, none appeared for respondent Nos. 6 and 7. However from 7<sup>th</sup> December, 2022 one, Shri Pradeep Arora, Advocate started appearing for Respondent No. 6 However, respondent No. 7 was never represented even thereafter and records indicate that continuously from the date of first listing up to the last date of hearing on 26<sup>th</sup> October, 2023, none appeared for respondent No. 7. Even directions were issued to the respondent

No. 7 to appear personally, the orders have not been complied with and she has never appeared in these proceedings. Now all of a sudden, we find a submission in the form of a letter sent by Smt Nirmala Devi, respondent No.7 on 3<sup>rd</sup> December, 2021 which is on record at page 130 bearing the stamp of notary from Madhepura district in Bihar along with certain documents. This letter rebuts the case of the official respondents Nos. 1 to 5 who have taken disciplinary action against the applicant on account of plural marriage with respondent No. 7. A copy of the said application along with documents received by office on 3<sup>rd</sup> December, 2021 has not been supplied to counsel for respondent Nos. 1 to 5. Office is directed to supply these documents to counsel for the respondent Nos. 1 to 5 within a week's time. That apart counter affidavit has been filed by respondent No. 6 on 20<sup>th</sup> October, 2022 through his counsel which is available on record.

3. Taking note of the manner in which respondent No. 7 has filed an application without any proper affidavit or document, we direct that notice be issued to respondent No. 7 for her personal appearance before this Tribunal on the next date. She be intimated that in case she doesn't appear on the next date, coercive action would be taken for her non appearance.

4. In the facts and circumstances, we would like to examine her before proceeding in the matter. Office is directed to take steps for

forwarding a copy of this order along with notice to respondent No. 7 by registered post acknowledgment due returnable within eight weeks.

5. In the meanwhile, respondent Nos 1 to 5 are granted liberty to file their rejoinder in rebuttal to the submissions made by respondent No. 6 and 7.

6. List the matter on **2<sup>nd</sup> February, 2024**.

**[JUSTICE RAJENDRA MENON]  
CHAIRPERSON**

**[LT GEN P. M. HARIZ]  
MEMBER (A)**

Ps