

**IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI  
20.**

**O.A. No. 388 of 2011**  
**With M.A. No. 376 of 2011**

**Margret Nigam**

**.....Petitioner**

**Versus**

**Chief of the Army Staff & Ors.**

**.....Respondents**

**For petitioner:** Mr. Rakesh Kumar Singh, Advocate.  
**For respondents:** Mr.R. Balasubramanian, ASG with Ms. Deepakshi Jain,  
Advocate for R-1 to R-3.  
None for R-4.

**CORAM:**

**HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.**  
**HON'BLE LT. GEN. S.S. DHILLON, MEMBER.**

**ORDER**  
**18.10.2012**

1. Petitioner by this petition has prayed that by way of an appropriate order the Respondents may be directed to treat the Petitioner Margaret Nigam as the sole legally wedded wife of late Shri Ram Gopal Nigam for grant of family pension.

2. Petitioner is said to be the wife of Shri Ram Gopal Nigam who was enrolled in the Indian Army on 23<sup>rd</sup> March 1964 and was discharged on 1<sup>st</sup> April 1979 and was getting a proper pension. Thereafter he died on 17<sup>th</sup> May 1991. It is also alleged that the Petitioner married Shri Ram Gopal Nigam on 10<sup>th</sup> November 1975 according to Christian rites and she claims that she is the sole legally wedded wife of Shri Ram Gopal Nigam and, therefore, she is entitled to family pension. Death of Ram Gopal Nigam on 17<sup>th</sup> May 1991 was intimated by Mrs. Margaret Nigam by her application dated 20<sup>th</sup> July 1991 wherein she claimed that she married Ram Gopal Nigam and

produced a marriage certificate signed by Church Authority, Centenary Methodist, Lodhi Road, New Delhi. This application was sent through Zila Sainik Board, Varanasi for verification but despite reminders no verification was received. However, verification was received from Rajya Sainik Board, New Delhi on 18<sup>th</sup> March 1997 that Smt. Margaret Nigam was married to late Shri Ram Gopal Nigam on 12<sup>th</sup> June 1975 and two sons were born out of the wedlock and the names of two sons are Francis Nigam and Franklin Nigam born on 20<sup>th</sup> November 1977 and 9<sup>th</sup> April 1979 respectively. However, as per the official record he appears to have married to Mrs. Jasmine on 28<sup>th</sup> September 1968 and the solemnisation of marriage was published vide 39 Infantry Division Signal Regiment Unit Part II Orders No. 34/7/69 dated 12<sup>th</sup> March 1969 and the Signalman nominated her as the 'next of kin' for heir to estate and also for grant of family pension. Thus, according to the Respondents, as per official records held with Respondents Mrs. Jasmine Nigam was the wife and 'next of kin' of the service person. But this second marriage is nowhere mentioned in Part-II order. It is only when this application was received that second marriage was conducted by Ram Gopal Nigam whether it was in subsistence of first marriage or not but so far as official record is concerned Ram Gopal Nigam was married to Jasmine only and in Part-II order Jasmine has been shown as 'next of kin' and legally wedded wife of Ram Gopal Nigam. However, when this application was received the Respondents declined to recognise Margaret Nigam as second legally wedded wife because there is no such mention in Part-II order but they treated both the children of late Ram Gopal Nigam and pension was released to both sons from 18<sup>th</sup> May 1991 till 8<sup>th</sup> April 2004 till they attained the age of 25 years.

3. Now the petition has been filed by the Petitioner seeking a family pension of late Shri Ram Gopal Nigam. The question before us is whether such pension be granted to her or not. So far as Respondents are concerned, as mentioned above, they clearly stated that according to Part-II order Mrs. Jasmine Nigam is legally wedded wife and 'next of kin' of the deceased Ram Gopal Nigam. After discharge from service the PPO was issued to Ram Gopal Nigam on completion of tenure of service i.e. 14 years and 342 days and in that also he has been shown as married to Jasmine Nigam on 28<sup>th</sup> June 1968, therefore, Respondents never treated Smt. Margaret Nigam as legally wedded wife. According to the Petitioner she got married to Ram Gopal Nigam on 10<sup>th</sup> November 1975 but there is no such record with the Respondents. The Respondents has never recognised Mrs. Jasmine Nigam as legally wedded wife. If she married in 1975 then late Ram Gopal should have made necessary application for correction of the record but that was not done till he died in 1991. Now Petitioner who has come up by filing present petition in 2011 is claiming herself to be legally wedded wife of late Ram Gopal Nigam and that cannot be acceded in these proceedings. According to the official record Mrs. Jasmine Nigam will be treated as legal wedded wife. It is not known whether second marriage with Smt. Margaret Nigam was done in subsistence of first marriage or not. So far as this Court is concerned, we cannot decree her claim as she cannot be recognised as a legally wedded wife of late Ram Gopal Nigam till she gets a proper declaration from any competent forum. So far as present case of Petitioner is concerned, she was not recognised as a legally wedded wife in official record with the Respondents. It is also not known whether second marriage was conducted in subsistence of first marriage or not. However, we do not want to close her doors. It will be open for the Petitioner to seek an appropriate remedy before competent forum.



4. Consequently, we do not find any merit in this petition and same is dismissed.

No order as to costs.

**A.K. MATHUR**  
**(Chairperson)**

**S.S. DHILLON**  
**(Member)**

**New Delhi**  
**October 18, 2012**  
dn/pd