

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

2.

OA 495/2024

Smt Shobha W/o Sub Clk (SD) Pramveer (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Manoj Kr Gupta, Advocate
For Respondents : Ms. Garima Sachdeva, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
22.04.2024

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal, Act, 2007, the applicant has filed this application and the reliefs claimed in Para 8 read as under:

(a) Issue an order or direction of appropriate nature to the respondents to withhold the issuance of PPO, pending at PCDA(P)/Record, till the joint a/c in SBI Bond Kala, Charkhi Dadri (Haryana) will not become operational.

(b) Appropriate direction to the respondents to disclose the reason why applicant's spouse (Sub Paramveer) has not been dismissed from service and permitted him to proceed discharge in pendency of investigation, despite taking cognizance of plural marriage during service.

(c) To direct the respondents/Bank/PCDA (P) not to disburse any amount from the service benefit of applicant's spouse (Sub

Paramveer till the join account will not be re-opened, which has been closed malafidely by the R-5/Bank and/or to pass such further orders or directions as this Hon'ble AFT may deem fit and proper in accordance with law and in the interest of justice.

2. The Applicant claims to be the legally married wife of retired Sub Clk (SD) Pramveer. Out of the marriage the couple was blessed with a girl child on 13th October, 2004. On account of marital discord between the parties, in accordance to the Army Act, interim maintenance as permissible under the Rules was paid by the Respondents' Authorities to the applicant and the child from November, 2014. It was paid till discharge of the husband from Military Service on his attaining the age of superannuation, i.e., till 31st December, 2023. As the husband of the applicant retired on 1st January, 2024, as per Statutory Rules pertaining to grant of maintenance allowances, maintenance allowances is to be granted for a period of five years or till appropriate orders are passed by the Hon'ble Family Court but once the employee retires payment of maintenance allowances is discontinued.

3. Having heard learned counsel for the applicant and on going through the relief claimed in this application, it is clear that there is a martial dispute between the parties.

The respondents No.7 has since retired from service, and therefore, this Tribunal cannot issue any directions to the respondents to either grant maintenance allowances to the applicant or to withhold the pensionary benefits payable to the retired employee. As far as, causing an investigation into the plural marriage said to have been committed by the respondents No.7 is concerned, the correspondence is available on record which indicates that communications were made to the Police Authorities and the District Collector, Charkhi Dadri with regard to the complaint of the applicant and there being no action taken and ultimately the employee retired, the question, therefore, is "can for the offence of the plural marriage after retirement, any direction can be issued now in the instant application."

4. Having bestowed our anxious consideration on various aspects of the matter, we are of the considered view that this is a matrimonial dispute between the applicant and her husband and now after retirement of the employee no directions can be issued in the matter of withholding his pension/salary or conducting any inquiry etc.

5. In view of the above, the applicant should invoke the jurisdiction of the appropriate Family Court or the Civil Court

with regard to the grievances as no action has been laid down under the Army Act to adjudicate or issuance of any directions by this Tribunal in the matter of marital discord particularly after retirement of the employee concerned.

6. Accordingly, finding no case for inference and lacking jurisdiction to adjudicate upon the dispute now after retirement of the employee, we dispose of the matter with liberty to the applicant to take recourse to such remedy as may be available under the Family Court or Civil Court and the procedure laid down under law.

7. Accordingly, The OA is disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)