

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

16.

OA 3781/2025 with MA 5651/2025

Smt Vidya Devi W/o Late Sep Sh. Udey Singh ..... Applicant

Versus

Union of India & Ors. .... Respondents

For Applicant : Mr. Shiv Ram Singh, Advocate

For Respondents : Ms. Jyotsna Kaushik, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

HON'BLE LT GEN C. P. MOHANTY, MEMBER (A)

ORDER  
27.11.2025

OA 3781/2025 with MA 5651/2025

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007 applicant has filed this application and the prayer made in Para 8 reads as under:-

“(a) Quash the letter ref no. 6619875/T-IV/MT-1/FP dated 05.03.2013 issued by the Respondent No.3 wherein the Applicant's request for family pension was rejected.(Annexure A-1);

(b) Direct the Respondent No.3 to grant family pension to the Applicant;

(c) Direct the Respondents to grant arrears to the Applicant w.e.f. 27.09.2011 i.e., from the date of death of the Applicant's husband @ 12% interest per annum till the present case is disposed off; and

(d) Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case along with cost of the application in favour of the Applicant and against the respondents.”

2. By the impugned order dated 5<sup>th</sup> March, 2023 claim of the applicant, Smt Vidya Devi W/o Late Sep Sh. Udey Singh for grant of family pension has been rejected by the Competent Authority

on the ground that based on the applications and letters received after scrutiny of the service document of Late Udey Singh, the name of the wife Smt Satwati is in the service record of Late Sep Udey Singh. It was found that the applicant, Smt. Vidya Devi, contracted marriage with Sep Udey Singh during the subsistence of marriage with his first wife, holding the marriage with the applicant to be null & void and unsustainable for grant of family pension the claim has been rejected.

3. It is the case of the applicant that her husband, Late Sep Udey Singh was enrolled in the Indian Army as a Sep Driver in 1963. It is claimed that between 1970-1980 there was disturbance in the village area of Ramban in Jammu and Kashmir due to communal tension at that period of time and the family of the applicant along with other Hindu families migrated from Ramban to Udhampur and they were residing in the camp side in the Udhampur. Late Sep Udey Singh was then serving in ASC (Army) at Udhampur and contacted the family of the applicant and projected that he was unmarried and proposed marriage to the applicant. It is said that the family of the applicant got her married to Late Sep Udey Singh as per customs and rights sometime in the year 1980. However, late Sep Udey Singh, thereafter left from his unit and went to his native village in Haryana. It is said that the applicant was also taken by Late Udey Singh to his village. On reaching the village, it came to the

knowledge of the applicant that Late Sep Udey Singh was already married and he had a wife living in his village. It is said that after coming back to the unit from village, the applicant along with her brother reported the matter to the Commanding Officer of the Unit about the second marriage contracted by the husband of the applicant. In the meanwhile, Sep Udey Singh was transferred and left Udhampur and was posted to Gaya. While in Gaya, Late Udey Singh was discharged on 01.10.1979 after completing 16 years 06 months and 21 days of service. He was granted service pension and PPO issued to him in October, 1979.

4. After his discharge, he joined the Atomic Minerals Directorate for Exploration and Research at Bangalore in the year 1981 from there he was superannuated in the year 2002. It is stated that sometime in 2011, Late Sep Udey Singh sent a representation through the Zila Sainik Board about his second marriage and sought for publication of Part-II order about his marriage with the applicant and change his service record by incorporating her name. On 12.08.2011, this was returned by Competent Authority on the ground that when the first wife was already alive, contracting marriage again is an offense under the Hindu Marriage Act 1955 and the records cannot be corrected, once the first, legally married wife was alive. Thereafter many communications took place but the respondents refused to correct the records. In the meanwhile, the husband of the applicant

expired on 27.09.2011, thereafter applicant sought family pension which was rejected by the respondents from 07.03.2011 onwards. The applicant was in correspondence with respondents up to 29.06.2017, claiming family pension and when the same was not granted, the applicant filed this OA along with MA 5651/2025 on the ground that she is entitled to family pension being a continuous right denied to her.

5. Respondents have raised objection and they argue that as per the service record, Late Sep. Udey Singh was already married to Smt. Satwati. She was alive till this death and as per the record the family pension has been granted to Smt. Satwati. It is a case of the respondents that the second marriage by Late Udey Singh with the applicant is null and void, the marriage is invalid and impermissible under the Hindu Marriage Act and the Pension Regulation of the respondents and the claim for impleading the present applicant as wife of Late Sep Udey Singh has already been rejected by the Competent Authority during the lifetime of Late Sep Udey Singh. It is the case of the respondents that once in the service record Smt. Satwati has been nominated as a wife of the applicant and in the pension paper and discharge rule duly signed by Late Sep Udey Singh and counter signed by the Commanding Officer, it has been clearly indicated that Smt. Satwati is the legally married wife of Late Sep Udey Singh, the second marriage contracted by him with Smt Vidya Devi, the

present applicant, is in contravention to Rule 333 (c) of the Regulation for the Army, 1987.

6. Apart from the fact that it violates Army Regulation, the second marriage contracted during the lifetime of the first wife is also a void marriage under the Hindu Marriage Act 1955 and after analysis of these factors, the respondents rejected the claim of the applicant. It is held that the family pension can only be granted to the duly married wife of the deceased man in uniform. As per the Statutory Regulation, the grant of family pension to the applicant is not permissible not only as per regulation but also marriage is illegal under the Army Regulation and Hindu Marriage Act and therefore it is untenable and cannot be permitted. Respondents referred to the Army Act and other documents available on record and admission of the applicant herself to say that Late Sep Udey Singh married the applicant when his first wife was already living and therefore, it is the contention of the respondents that in the facts and circumstances of the case, applicant is not entitle for the family pension.

7. We have considered the aspect in detail and we had gone through the Army Rules, records as indicated hereinabove and we find that as per the Statutory Provisions applicable, the family pension can only be granted to widow of the retired soldier whose name is recorded in the service record and as the name of Smt. Satwati is recorded in the service record as per the Pension Rules,

family pension is to be granted to the widow of the employee after his death. Respondents contend that no benefits be granted to the applicant.

8. Taking note of all these factors, we are of the considered view that the applicant does not have any legal right to claim family pension when the first wife of Late Udey Singh is still alive and is receiving the family pension based on her marriage with Late Sep Udey Singh. That apart the marriage of the applicant with, Late Sep Udey Singh is a nullity in the eye of the law, accordingly, we cannot grant any benefit to the applicant in contravention to the Pensionary Rules, the Army Rules and the law governing marriage between the applicant and Late Sep Udey Singh. Accordingly, finding no reason for interference, we dismiss this application. Apart from the aforesaid merit, the delay of about 3053 days, i.e., from the year 2017 up to 2025 has not been properly explained by the applicant and therefore itself on the ground of delay the application is not maintainable.

9. Accordingly, OA is dismissed both on the ground of merit and delay.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

[LT GEN C. P. MOHANTY]  
MEMBER (A)