

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

28.

OA 550/2020

Sep Rajesh Paul

..... Applicant

VERSUS

Union of India and Ors.

..... Respondents

For Applicant : Applicant in person

For Respondents : Mr. Prabodh Kumar Sr CGSC for R 1-5 &
None for R 6-8

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)

HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER

18.08.2025

The applicant is present in person.

2. He has produced his identity card which indicates his service number as mentioned in the memo of parties as filed with the OA 550/2020 filed on 16.03.2020.

3. The matter is in the cause list listed at item no. 28 for the day and has been listed in the category of cases not to be taken up today and is to be re-notified. However, in the interest of justice, in as much as the applicant has put in appearance and submits that he wants to withdraw the OA 550/2020 as the matter has been settled between him and the respondent no. 6, his erstwhile spouse, in the interest of justice, the matter has been taken up for consideration.

4. The learned Sr. CGSC for respondent nos. 1 to 5 is present. The respondent nos. 6 to 8 i.e. the erstwhile wife of the applicant at the time of the institution of the OA and his two daughters arrayed as respondent nos. 6, 7 and 8 respectively have not put in appearance despite due service as per record in terms of proceedings dated 05.10.2020.

5. Court notice had also been sent vide order dated 05.05.2025 to the applicant and counsel for the applicant with directions to the respondents to apprise the Tribunal, whether there were any judicial proceedings pending in any Court of law between the applicant and the respondent nos. 6 to 8.

6. The prayers made vide the present OA are to effect:-

“(a) Direct the respondents to quash the impugned letters No 1 & 2 annexed as Annexure A-1 & A-2 to the O.A.

(b) Direct the respondents to quash the sanction of GOC-in-C, South Western Command issued vide impugned letters No 1 & 2 annexed as Annexure A-1 & A-2 to the O.A. for the deduction of 33% per month from the pay and allowances of the applicant and its payment to Smt Shama Paul for the maintenance of herself and her daughters named Miss Ayushi Paul and Miss Rimjhim Paul.

(c) Direct the respondents to remit the amount to the applicant which was deducted so far from his pay and allowances as maintenance allowance to the wife and children of the applicant along with interest till the date of actual payment.

(d) Award custody of children to enable the applicant to provide the children modern education and preserve and inculcate his own religious and cultural teaching in them.

(e) Direct the respondents to compensate the applicant for the harassment and the mental agony due to the denial of his rightful entitlement.

(f) Award cost of petition.

(g) Pass such and further order or orders, as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case in favour of the petitioner and against the respondents."

7. The applicant has submitted on record copy of the order dated 13.05.2024 of the Id. District Judge North 24 Parganas in Matrimonial Suit number 2132/2023 titled Shama Paul alias Shamma Aara and Sri Rajesh Paul with the said Shama Paul being arrayed as respondent no. 6 to OA 550/2020, the present OA and Shri Rajesh Paul being the applicant thereof. Vide the said order dated 13.05.2024 in Matrimonial Suit no. 2132/2023, before the Id. District Judge North 24, Parganas, the marriage between Smt Shama Paul and Shri Rajesh Paul has been dissolved in terms of the Special Marriage Act, 1954, on the basis of a decree of divorce through mutual consent. The copy of the decree dated 13.05.2024 in the said Matrimonial Suit number 2132/2023 of the District Judge, Barasat North 24, Parganas has also been submitted on record by the applicant.

8. Copy of the order dated 16.05.2024 for the drawing up of the said decree has also been placed on record with the list of the cost of the suit.

9. The applicant in his statement of even date recorded before us has stated to similar effect that the marriage between him and Ms. Shama Paul has been dissolved vide a decree of divorce dated 13.05.2024 of the Id. District Judge North 24, Parganas, through mutual consent and that he voluntarily, without any duress or coercion from any quarter seeks to withdraw the OA 550/2020. There is no objection to this submission on behalf of the respondent nos. 1 to 5.

10. OA 550/2025 is thus dismissed as withdrawn as prayed.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

AS
18.08.2025