

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

**OA 181/2025**

**Ex Nk Rajesh Kumar  
VERSUS**

**..... Applicant**

**Union of India and Ors.**

**..... Respondents**

**For Applicant : Mr. Tatsat Shukla, Advocate**

**For Respondents : Mr. Shyam Narayan, Advocate**

**CORAM**

**HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)  
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)**

**ORDER**

The applicant vide the present OA makes the following prayers:-

***“(a) To set aside the impugned order dated 08 Mar 2024(Annexure-A-1) to the extent it denies endorsement of name of the Applicant’s wife, Smt. Saroj Kumari in his service records.***

***(b) To direct the respondents to endorse the name of Smt. Saroj Kumari as the wife of Applicant in all service records of the applicant including PPO.***

***(c) To pass any other order or direction in favour of Applicant which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.”***

2. The applicant no. 3190099X Ex Naik Rajesh Kumar was enrolled in the Indian Army on 24.12.1996. After

completion of military training, the applicant was posted with 6<sup>th</sup> JAT Battalion, the JAT Regiment with effect from 01 Feb 1998. As per service records held with Records, the JAT Regiment, the applicant was married to Kumari Indra on 12.08.2001 as published vide 6<sup>th</sup> Battalion, The JAT Regiment Part II Order No. 0/619/0001/2007. Before the applicant was discharged from service, the applicant's wife Indra Devi served an application dated 10.06.2011 with the Records, the JAT Regiment informing of pendency of proceedings under Section-9 of the Hindu Marriage Act, 1955 as well as of proceedings qua Domestic Violence before the Civil Courts at Pilani and also informed that the applicant's husband without divorcing her on 29.05.2011 had married Saroj daughter of Shri Harlal Gadad and had committed an offence punishable under Section 294 of the IPC, 1860. The 6<sup>th</sup> Battalion The Jat Regiment vide letter no. 3090099/आरके/ए1 dated 25 Aug 2011 requested the Sarpanch Viillage- Khudana, Distt- Jhunjhunu to submit a verification in relation to the said contentions of the

applicant's wife Indra and the response was received from the Sarpanch Viillage- Khudana, Distt- Jhunjhunu vide letter no 635 dated Nil to the effect that the applicant had illegally married Ms. Saroj daughter of Shri Harlal Gadad resident of Dist Jhunjhunu on 29.05.2011 and the copy of the marriage invitation card and the marriage photographs were also annexed.

3. The 6<sup>th</sup> Battalion, JAT Regiment thus sought clarification from the applicant about the matter regarding the second marriage to which the applicant responded that there had been tumultuous relations with his wife, that his mother is 60 years old, who was a cancer & heart patient, that his brother had separated, that his mother was wholly dependent on him and that he was left with no alternative but to marry again to alleviate his mother's suffering and to attempt to lead a happy married life.

4. As a consequence of this response of the applicant, the applicant was issued a Show cause notice regarding the plural marriage with Smt. Saroj whereafter the case was

examined and thereafter the General Officer Commanding in Chief, Eastern Command issued directions vide Case no. 201430/723/A1(DV-3) dated 24.02.2013 directing that **“the applicant be compulsory discharged from service under the provisions of Army Rule 13 as amplified vide Para 4 of ADG(DV), IHQ of MoD(Army) letter no. 79333/AG/DV-1(P) dated 12.12.2003”**. The applicant had rendered 16 years 05 months and 07 days of service as averred in counter affidavit of the respondents, he was granted service pension vide Pension Payment Order no. S/19721/2014(Army) dated 19 Mar 2014.

5. After discharge from service, the applicant was divorced from Smt. Indra Devi on 01.09.2017. The copy of the certified copy of the decree of divorce dated 04.05.2017 of the learned Family Court, Jhunjhunu, Rajasthan in Civil Case no. 182/2007 (1821/2007) has been placed on record by the applicant along with the translated version thereof.

**6. The applicant vide letter dated 01.01.2018 informed the respondents of the decree of divorce and**

**the Part-II order no. 3190099/SR-JR/NEL-II page 23 dated 06.02.2018 was published by the respondents putting forth the occurrence of the divorce with Smt. Indra Devi on 01.09.2017. The same is placed on record as Annexure A-5 to the OA. The issuance of the said Part-II order of the dissolution of marriage between the applicant and Smt. Indra Devi is not refuted by the respondents.**

7. The applicant thereafter married Smt. Saroj Kumari on 10.06.2017 and submitted a marriage certificate dated 23.06.2017 as issued by the Government of Rajasthan indicating the registration of his marriage with Smt. Saroj Kumari. The applicant thereafter made a representation dated 29.02.2020 to the Record Office for promulgation of the name of his wife Smt. Saroj Kumari in the service records which was however rejected by the respondents vide the communication no. 3190099X/SR-JR/NE dated 08.03.2024 with para-2 thereof stating therein to the effect:-

**“2. It is intimated that documents received by this office vide letter quoted at Para 1(h) in respect of No 3190099X Ex Nk Rajesh Kumar**

have been retained with this office due to following obsns.:-

(a) As per service records held with this office, Ex-serviceman was married with "Kumari Indra" on "12 Aug 2001" and divorced on "01 Sep 2017", intimation letter fwd to you and applicant vide letter quoted at Para 1 (c).

(b) Applicant fwd the documents vide letter quoted at Para 1 (a) for marriage publication with "Smt Saroj Kumari on"29 May 2011". However, the documents returned herewith unactioned vide letter quoted at Para 1(b) due to contracted Plural Marriage case. Applicant again approached to this office for marriage publication vide letter quoted at Para 1(d), in this connection, reply fwd vide letter quoted at Para 1 (e).

(c) Applicant fwd the documents for birth publication of daughter named "Vineeta (Date of Birth-13 Jun 2012)" and "Hanshika (Date of Birth-27 Jul 2014)" vide personal application quoted at Para 1 (f), reply for the same fwd vide letter quoted at Para 1 (f). Both the children born after his marriage with second wife.

(d) Now applicant fwd the documents for marriage publication duly mentioned date of marriage 10 Oct 2017" which is in contradiction with birth certificate of children provided by applicant vide application quoted at Para 1 (f). Moreover, giving two marriage certs with different dates of marriage i e. one 29 May 2011 and again another one 10 Oct 2017 also raise question on Registrar of Marriage and needs investigation."

8. The respondents during the course of arguments and though the counter affidavit filed by them raised similar contentions as stated in the impugned document to the effect that the applicant had contracted a plural marriage with Smt. Saroj Kumari on 29.05.2011 and that there were two children born of the said plural marriage i.e. a daughter named Vineeta with the date of birth being 13.06.2012 and another daughter named Hanshika born on 27.07.2014 and that both these children were born after the marriage of the applicant with his second wife. The respondents have further submitted that the applicant has filed a marriage certificate showing the date of marriage of Smt. Saroj Kumari on 10.10.2017 which is in contradiction with the birth certificates of the children with their dates of birth 13.06.2012 and 27.07.2014 and that the applicant having given two marriage certificates with two different dates of marriage i.e. 29.05.2011 and another 10.10.2017, the matter requires investigation. The respondents have further

submitted that the publication of a plural marriage is not in consonance with existing policy.

9. Undoubtedly, the respondents could not have earlier published the marriage of the applicant with Smt. Saroj Kumari which was performed on 29.05.2011 as it was a plural marriage. However, the applicant has since been divorced from his first wife Kumari Indra vide the decree of divorce dated 04.05.2017 of the Learned Family Court, Jhunjhunu, Rajasthan and in Civil Case no. 182/2017 (1821/2007) and has thereafter legally married Smt. Saroj Kumari legally on 10.06.2017 in relation to which the marriage certificate is on record as issued by the Government of Rajasthan placed as Annexure A-6 to the OA qua which the Part II order dated 06.02.2018, copy of which placed as Annexure A-5 to the OA has admittedly been issued. **The marriage thus of the applicant on 10.06.2017 though with the same lady Smt. Saroj Kumari with whom he had earlier had entered into a plural marriage, now stands legitimized.**


## **CONCLUSION**

10. In view thereof, the respondents are directed to endorse the name of the lady Smt. Saroj Kumari as the wife of the applicant no. 3190099X Ex Nk Rajesh Kumar in all service records of the applicant including in the PPO in relation to the marriage of the applicant with Smt. Saroj Kumari performed on 10.06.2017 and registered on 23.06.2017 after the decree of divorce with Smt. Indra vide judgment dated 04.05.2017 of the Family Court, Jhunjhunu, Rajasthan in Civil case no. 182/2007 (1821/2007). The names of Vineeta and Hansika i.e. the daughters of the applicant and Smt Saroj Kumari who were born on 13.06.2012 and 27.07.2014 respectively be also endorsed in the said PPO by the respondents.

11. The OA 181/2025 is thus disposed of accordingly.

Pronounced in the open Court on the 30 day of March, 2026.

  
**[REAR ADMIRAL DHIREN VIG]**  
**MEMBER (A)**  
/TS/

  
**[JUSTICE ANU MALHOTRA]**  
**MEMBER (J)**