

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, CHENNAI
(Circuit Bench at Hyderabad)**

O.A. No. 78 of 2018

Monday, the 17th day of September, 2018

**THE HONOURABLE MR.JUSTICE V.S.RAVI
(MEMBER - J)
AND**

**THE HONOURABLE LT GEN C.A.KRISHNAN
(MEMBER - A)**

Smt.C.Vijaya Kumari,
W/o No.14649406L, Hav/SK Chittem Raja Babu
52 Armd Regt (EME Records)
Aged 40 years, H.No.2-1-7, Saraswathi Colony
Uppal, Hyderabad, Telangana-500039

...Applicant

**By Legal Practitioner:
Smt.Tonifia Miranda**

vs.

1. Union of India,
Represented by the Secretary to Government
Ministry of Defence, Government of India
South Block, New Delhi-110 011
2. The Chief of the Army Staff
Integrated Head Quarters (Army)
Sena Bhavan, New Delhi-110011.
3. The Chief Record Officer,
EME Records, PIN 900453, C/o 56 APO.
4. HAV/SKT No.14649406L, Chittem Raja Babu,
S/o Bala Raju, aged 38 years, serving with
52 Armd Regt, PIN 912652, C/o 56 APO
5. 52 Armd Regt., PIN 912652, C/o 56 APO.

...Respondents

**By: Shri S.Makeish, Additional Central Govt. Counsel
(for Respondents 1 to 3 and Respondent-5)**

For Respondent No.4 - M/s Muthu Kumar

INTERIM ORDER

1. This application has been filed by the applicant praying to pass an interim order restraining the Respondent-Authorities to grant the retirement benefits to the 4th Respondent who is due to retire in coming months (retirement drill has started) until the disposal of the present O.A.

2. The present O.A has been filed by the applicant to grant 50% of the retiral benefits of the Respondent No.4 to the applicant and other relief as prayed in the O.A. It is submitted in the O.A. that the applicant, is the wife of the serving 4th Respondent Hav/SK Chittem Raja Babu 52 Armd Regt (EME Records) and the applicant has married the 4th respondent on 7.9.2009 and the marriage has been registered with the Government of Telangana. Further, it is stated that the 4th respondent, within a couple of days left the newly married wife with his parents. Further, the applicant has submitted that the 4th respondent is at present living with a family consisting of Smt.Preeti and two children who are school going children and therefore the applicant has been forced to take refuge with her father at Hyderabad. Further, the applicant has pointed out that the 4th respondent, in order to defeat the initiative of the official respondents filed a Divorce O.P.No.288 of 2014 at

Vijawada Family Court against the applicant and thereafter the applicant has filed a Transfer Petition before the Hon'ble High Court of Andhra Pradesh and transferred the case to Hyderabad Family Court in the year 2017 and the said case has been numbered as O.P.848 of 2017 which is still pending.

3. In the said circumstances, the applicant has specifically pointed out that the retirement benefits of the Respondent No.4 who is due to retire in coming months (retirement drill has started) need not be disbursed to the 4th Respondent until the disposal of this O.A. by this Tribunal. In order to establish the above-mentioned submissions made in the O.A., the applicant has filed the details of family along with the Joint-Photo of the applicant and the 4th Respondent as the details of the family and also, the relevant records, with the present O.A. In the reply statement the respondent-authorities have also clearly admitted that the 4th respondent has married the applicant on 7.9.2009 and Part-II order has been published by the Respondent-Authorities.

4. In the facts and circumstances as mentioned above, there is a *prima facie* case and also, balance of convenience, in favour of

the applicant, to grant interim order as prayed for. Further, it is found that irreparable loss will be caused to the applicant, if interim relief as prayed for by the applicant is not granted, considering the present facts and circumstances of the case.

5. For the above mentioned reasons, interim order, restraining the Respondent-Authorities to grant the retirement benefits to the 4th respondent due and payable to him on his retirement in the coming months , is granted till 26.11.2018.

6. For further hearing, call this matter on 26.11.2018.

**LT GEN C.A.KRISHNAN
MEMBER (A)**

**JUSTICE V.S.RAVI
MEMBER (J)**

17.09.2018

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To

1. Smt.Tonifia Miranda, Counsel for Applicant
2. Shri S.Makesh, Central Govt. Additional Standing Counsel,
(for Respondents **1 to 3 and Respondent-5**)
3. Shri Muthu Kumar, Advocate for Respondent No.4
4. OIC, Legal Cell (Army), Telangana & Andhra Sub Area, Secunderabad, A.P.
5. Library, Armed Forces Tribunal, Regional Bench, Chennai-16.

**HON'BLE MR. JUSTICE V.S.RAVI
(MEMBER- J)
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