

ARMED FORCES TRIBUNAL, REGIONAL BENCH, CHENNAI**O.A. No. 145 of 2018****Friday, the 28th day of September, 2018****THE HONOURABLE MR.JUSTICE V.S.RAVI
(MEMBER – J)
AND****THE HONOURABLE LT GEN C.A.KRISHNAN
(MEMBER – A)**

Mrs.Sunantha P.D
W/o Late 2600153N Lnk Viju VS.,
Now called as Haleema D
aged 32 years, R/o No.8/26/4, Muslim Street,
Vellichanthai PO, Kanyakumari Dist.,
Tamil Nadu 629203
**By Legal Practitioner:
Mrs.Tonifia Miranda**

... Applicant

vs.

1. Union of India,
Represented by its Secretary
Ministry of Defence
South Block, DHQ Post, New Delhi-110 011
2. The Chief of the Army Staff
DHQPO, New Delhi-10
3. IHQ of MoD(Army) AG's Branch,
Addl Dte Gen MP / MP8 (I of R)
West Block-III, R.K.Puram, New Delhi-110066
4. Madras Regt Abhilekh Karyalaya
The Record Office
The Madras Regiment
PIN 900 458, C/o 56 APO

... Respondents

Mr.M.Arvind Kumar,
Sr.Central Govt. Panel Counsel
Assisted by Capt.S.A.Barreto, JAG Officer
OIC Legal Cell(Army)

ORDER

1. This application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 to direct the 4th respondent to publish in the Part-II Order, the change of name and religion of the applicant in the Army records as that of Haleema D, instead of Sunantha P.D , and religion of Islam instead of Hinduism.

2. The applicant has stated in the Original Application and also the learned Counsel for the applicant has stated that the applicant is the widow of Late Lnk Viju VS. The said Viju has expired on 17.12.2003 while carrying out patrolling duty at Kachugaon(Assam), due to blast of hand grenade. The applicant is in receipt of Pension through her Banker, Canara Bank Branch at Marthandam in Kanyakumari District from 1.4.2004. After the demise of her husband Viju VS., the applicant has remarried Mr.Maheen, Son of Peerukkan from Manavilai in Kanyakumari District and embraced the religion of Islam from Hinduism and also changed her name as Haleema D from Sunantha P.D. The name change has been published in Government Gazette Notification in the State of Kerala dated 10.11.2015 and also published in the daily

newspapers of the Hindu and the New Indian Express in November, 2016. The applicant has also got the PAN Card in the name of Haleema D and the Aadhaar Card also bears the name Haleema D. It is submitted that the bankers are refusing to release the family pension of the applicant due to the problems in linkage of Aadhaar Card. Hence the applicant prayed for publication of Part-II order regarding her change of name from Sunantha P.D to Haleema D and religion from Hinduism to Islam.

3. The respondents have submitted in their reply statement and also the learned Senior Central Government Counsel has stated that the Late Lnk Viju VS has married Sunantha P.D on 25.5.2003 and declared her as the legal heir to receive all subsequent benefits and family pension in the event of his death. The respondents submit that on 17.12.2003, the said soldier Viju, tripped and fell down while carrying out patrolling duty, as a result of which a hand grenade kept inside his pouches detonated resulting in splinter injuries to him and also five others. The said soldier Viju has been taken to the Air Force Hospital at Hasimra and the hospital authorities declared the soldier Viju as 'brought dead'. The death of the Late Lnk Viju has been classified as Battle

Casualty and Liberalised Family Pension of 50% was sanctioned to the widow Smt. Sunantha P.D and the balance 50% has been sanctioned to the mother of the late soldier Viju. Now the applicant has filed the O.A for changing her name and religion and its publication by Part-II Order. The Ministry of Defence has revised the policy and allowed the change of the name and its publication after approval of competent authority. Hence appropriate order may be passed in the O.A.

4. The following point arises for consideration in the present O.A. :-

Whether the applicant is entitled to get the relief as prayed in the O.A. on a careful consideration of the materials on record in proper perspective?

5. Point:- The applicant has submitted Gazette Notification dated 10.11.2015 published in the Kerala Gazette as Annexure A-5 regarding her change of name to Haleema D and change of religion to Islam and also the advertisements made in newspapers the Hindu and the New Indian Express dated 16.11.2016 as Annexure-A6 regarding her name change to Haleema D and also

her PAN card(No.EJTPD5443L) as Annexure-A7 indicating her name as Haleema D and Aadhaar Card(No.790874418994) indicating her name as Haleema D. The applicant also submitted her Marriage Certificate (Regn. No.5/2018 dated 10.03.2018) under Special Marriage Act 1954, as Annexure-A10, issued by the Marriage Officer, Manavalakurichi indicating about the marriage of the applicant Mrs.HALEEMA with Thiru MAHEEN, S/o Peerukkan having effect from 23rd April, 2009. Based upon the said relevant records, the applicant has submitted that she has embraced the religion of Islam from Hindu and her new name is HALEEMA D. As per Annexure-A1, 'Battle Casualty Certificate' dated 24.4.2004 has been issued by Record Officer, The Madras Regiment regarding the death of the said Viju. As per Annexure-A3 Certificate indicating the particulars of the deceased soldier Viju VS, 'the Next-of-Kin' has been mentioned as SUNANTHA. The applicant has categorically stated in the O.A. that the Bankers are refusing to release the family pension, due to the problem in the linkage of Aadhaar Card. It is pertinent to point that in the reply statement the respondents themselves have admitted at para-4 that the Integrated Headquarters of Ministry of Defence(Army) vide letter No.A/20105/MP-(8)(I of R)(a) dated 3.4.2018 issued regarding

change of name and problems faced by widows of deceased soldier and wives of service soldiers/veterans(enclosed as Annexure-R1) has revised the policy and allowed the change of name and its publication after approval of Competent Authority and hence the applicant is eligible to get relief as prayed for in the Original Application.

6. On a careful scrutiny of the material records, it is found that the applicant is entitled to get relief as prayed in the O.A. Thus, the point is answered in favour of the applicant.

7. In the result, the 4th respondent is directed to publish the Part-II Order regarding the change of name and religion of the applicant in the Army Records as that of Haleema D instead of Sunantha P.D and religion as 'Islam' instead of 'Hinduism' . The O.A. is disposed, accordingly. No costs.

Sd/-...
LT GEN C.A.KRISHNAN
MEMBER (A)

Sd/...
JUSTICE V.S.RAVI
MEMBER (J)

28.09.2018
(True Copy)

VSR/sun

To

1. Mrs.Tonifia Miranda, Counsel for Applicant
2. Mr.M.Arvind Kumar, Sr. Central Govt. Panel Counsel, for Respondents
3. OIC, Legal Cell (Army), HQ Dakshin Bharat Area, Chennai-600009
4. Library, Armed Forces Tribunal, Regional Bench, Chennai-16.

**HON'BLE MR. JUSTICE V.S.RAVI
(MEMBER- J)
AND
HON'BLE LT GEN C.A.KRISHNAN
(MEMBER – A)**

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