

Court No. - 5**Case :-** WRIT - A No. - 19167 of 2024**Petitioner :-** Sheetal Chaudhary**Respondent :-** State Of Up And 3 Others**Counsel for Petitioner :-** Vinay Kumar**Counsel for Respondent :-** C.S.C.,Manoj Kumar Singh,Suresh Kumar Maurya**Hon'ble Ajay Bhanot,J.**

1. The judgement is being structured in the following conceptual framework to facilitate the discussion:

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I. Introduction:

2. The petitioner is an Assistant Teacher. The petitioner's husband is a serving army personnel who is deployed at a sensitive border area. The petitioner claims that the absence of a male member of her family has made her an easy target for victimization and that she is being harassed by one Shiksha Mitra. Her representations to various authorities of the State have been of no avail. The letter written by the Commanding Officer of her husband's battalion too has not been acted upon by the local State authorities.

3. The question that arises for consideration in the facts and circumstances of this case also raises a larger question of public law as regards the nature of support systems to be provided by the State Government to similarly situated families of serving Armed Forces personnel and martyrs of the Armed Forces by the State Government.

I. Submissions:

4. Shri Vinay Kumar, learned counsel for the petitioner has made the following submissions:

i) The petitioner is undergoing severe hardships and harassment as her husband who is a serviceman is posted afar

in the line of duty. The district administration has not paid any attention to her plight. Her grievances have not been redressed despite a communication being sent by the Commanding Officer of her husband to the competent civil authorities.

ii). The failure of the civil administration to redress the problems faced by the separated families of service personnel is a systemic one. The State Government has not evolved any response to the same. The problem has serious ramifications and has to be addressed with urgency.

5. Shri Ashok Mehta, learned Additional Advocate General assisted by Shri Subhranshu Shekhar, learned Additional Chief Standing Counsel for the State submits that the State Government is fully resolved to provide an efficacious system for grievance redressals and cater to the welfare of separated families of serving service personnel. A committee in this regard shall be set up by the State Government which is composed of Senior State officials and service officers. The directions of the Court in this regard shall be duly implemented. An enquiry has been made into the grievances of the petitioner and action as per law will be taken.

6. Shri Shashi Prakash Singh, learned Additional Solicitor General of India assisted by Shri Manoj Kumar Singh, learned Central Government Counsel submits that there is a need for creation of the aforesaid committee by the State Government for the welfare of serving military personnel and the Armed Forces fully support the setting up of the said committee.

III. Letter of the Commanding Officer and the Response of the State Government:

7. The Commanding Officer of the 20th Battalion Rajputana Rifles of the Indian Army in which the petitioner's husband is serving was seized with the challenges being faced by her. Colonel Anand A. Shirali, Commanding Officer 20th Rajputana Rifles had sent a letter dated 10.09.2024 in this regard to the District Collector, Firozabad, Superintendent of Police, Firozabad for taking appropriate measures and providing redress to the family.

8. The relevant parts of the letter which depict the highest form of leadership and an awesome command of language are extracted hereunder:

"WELFARE OF SOLDIER FAMILY"

"1. An application dated 08 September 2024 from JC-473099X Subedar Hamvir Singh, S/o Shri Bijendra Singh resident of Vill-Nagla Tulsi, Post Office-Tundla, Tehsil - Tundla, District-Firozabad (Uttar Pradesh), is hereby forwarded for your review and necessary action please.

2. Subedar Hamvir Singh is currently serving with 20th Battalion of the Rajputana Rifles of Indian Army since 12 Jan 1999 and is presently deployed in a sensitive area along the Line of Control in Jammu & Kashmir. His wife, Mrs. Sheetal Chaudhary, is employed as an Assistant Teacher at a Primary School in Siroliya. Mr. Nepal Singh, a resident of Village - Kutubur Jarkhi, has apparently been harassing and threatening Mrs. Sheetal Chaudhary, using abusive language. This has caused significant distress to the individual in discharge of his duties and also severely impacting her husband's ability to perform his military duties.

3. I therefore request that your esteemed office to investigate the matter as mentioned in the application and assist in resolving the issue faced by the family of this serving soldier. It is further requested that coordination with the District

Education Officer be undertaken to either transfer Mrs. Sheetal Chaudhary to a more suitable location with better working conditions, where she can work to her full potential without frustration or to take appropriate action against Mr. Nepal Singh to ensure the issue is resolved amicably.

4. You are requested to kindly inform this office at the action taken in response to this application for the benefit of the serving soldier.

5. Your cooperation in this matter will be highly appreciated."

9. The letter is animated by the enduring ethos of the Indian Army which is better summed up in a Hindi rendering of Chetwodian¹ ideals extracted below:

"सबसे पहले देश सुरक्षा मान और सम्मान,
तदनन्तर वो वीर सिपाही जिनपर तुली कमान,
अधिकार समर्पित अधिनायक है कर्त्तव्य हमारी शान"

10. The said letter also sums up the position of Commanding Officer as the pater familias of all officers and troops under command. The Commanding Officer is the key lumbar of the spinal column of military leadership. Failure of the State authorities to respond to communications pertaining to welfare of families of those under command sent by Commanding Officers will have serious consequences. Inability of State officials to act with despatch on the said communications will degrade the sanctity of the office of the Commanding Officer and ultimately compromise the morale of the services.

11. According to the petitioner, no action was taken on the aforesaid communication as also the representations made by her.

¹ The original words of Field Marshal Chetwode are:

"The safety, honour and welfare of your country come first, always and every time.
The honour, welfare and comfort of the men you command come next.
Your own ease, comfort and safety come last, always and every time."

IV. Armed Forces :

A. Role: Contribution of Armed Forces

B. Privations suffered by families of defence personnel due to separations caused by military service

A. Role: Contribution of Armed forces:

12. Armed forces are the custodians of the sovereignty and integrity of the country. Defence personnel perform their high duties even at the peril of their lives. The storied history of the Indian Armed Forces is about lives of the men and women in uniform who have always been willing to pay any price, suffer all privations, and to make the supreme sacrifice for the defence of our nation and to keep us safe.

13. The soil of this nation is nourished by the blood of her martyrs. The sweat, tears and toil of service personnel pervade the air and waters of the land. The supreme sacrifices of the martyrs are etched in the eternal memory of our race. The sacrifices being made by those in uniform day in and day out are embedded in the public consciousness of our nation.

B. Privations suffered by military families due to separations caused by military service:

14. The families of service personnel are often separated due to exigencies of military service. These separations entail hardships for the families. The families of military personnel so separated become vulnerable on account of an unresponsive administration, and the service personnel become despondent interfacing with an impersonal bureaucracy. In these conditions

separated families of serving military personnel may suffer harassment, deprivations and denial of rights vested by law.

V. Role and responsibility of the State and the Society:

15. The families of defence personnel thus separated cannot be abandoned or left to their own devices by the State. The sacrosanct promise of the State and the pious duty of State officials is thus to ensure the safety, well being and welfare of families of service personnel who are separated due to exigencies of military service.

16. The promise of the State to all defence personnel is irrevocable. The duty of the State officials to redeem the promise is inviolable. This assurance should warm the hearts and fortify the souls of the defence personnel who guard our frontiers.

17. The State authorities / local administrations have to ensure that any communication sent by a serving military officer / formation commander / Commanding Officer in regard to harassment or other problems or welfare issues being faced by the family members of defence personnel posted elsewhere are promptly attended to and efficaciously redressed by the competent State authorities. True also for family members of those military personnel who embrace martyrdom in the line of duty. For this purpose a system of accountability also has to exist in the State Government.

VI. Directions to the State Government:

18. On 04.12.2024 the following order was passed by this Court:

“The State Government is directed to formulate a policy for the welfare, safety and well being of the families who are separated from their kith and kin due to exigencies of military service. The policy shall create structures to promptly deal with complaints of harassment and threats being extended to family members of military personnel serving in different parts of the country or those who perish fighting for the nation. The policy shall identify/nominate officials including the District Magistrates and the police chiefs of the districts and other nodal officials in various ministries to implement the aforesaid scheme.

The State can discharge these obligations only if there is full concert between the State Government, the local administration and the military authorities or fall in the line of the duty. A joint committee comprising of senior State and military officials shall regularly meet and constantly monitor the compliance of the above directions. The military authorities shall also create a structure wherein the complaints are forwarded to the nearest military formations where the separated families are residing and monitor the progress of action taken on each complaint.

The Chief Secretary, Government of Uttar Pradesh, Lucknow and General Officer Commanding-in-Chief Central Command shall conduct a meeting within 10 days and devise an appropriate mechanism for compliance of the above directions.”

19. The district administration was also directed to file a response in the facts of the instant case.

VII. Response of the State Government and the District Administration:

A. Response of the District Administration:

20. The district administration has informed the Court that the grievance of the petitioner has been fully considered and action has been taken thereon. The Shiksha Mitra has now been transferred to another institution. Some allegations have not

been made out upon enquiry. The petitioner's prayer for transfer to another school shall be considered as per law and in institutional interests at the time of the regular transfers.

B. Response of the State Government:

B-I. The deficiencies in the existing system of grievance redressal:

21. Various Government Orders dated 17.09.2008, 30.03.2015, 06.05.2015 and 30.06.2016, which direct the local administration to promptly response to grievances of defence personnel have been brought in the record by Shri Ashok Mehta, learned Additional Advocate General.

22. The aforesaid system of Government Orders is clearly inadequate and not delivering the desired results. The infirmities in the existing system are these. There is no oversight of a High Powered State Level Committee. Proper representation of military authorities is absent. Meetings of civil administration and military authorities are not held with prescribed regularity. There is no accountability in the functioning of the said committees. A proper system has to be put in place and made to function to meet the demands of emergent situation.

B-II. Contours of the new grievance redressal and welfare system set up by the State:

23. The State Government and the Chief Secretary, Government of Uttar Pradesh, Lucknow have acquitted

themselves with high credit by rising to the occasion, and assuring the services that the State Government of Uttar Pradesh stand shoulder to shoulder with the defence services and have the back of service personnel at all times.

24. A statement has been made by Shri Ashok Mehta, learned Additional Advocate General that the State Government is unconditionally committed to a well structured and efficacious system to redress the grievances of families of service personnel and to cater to their welfare. The system shall promptly process the complaints or representations sent by the Commanding Officers of the Armed Forces. All suggestions of the services in this regard will be examined, and directions of the Court shall be duly complied with without demur.

25. In compliance of the direction of this Court, a meeting was held between the Chief Secretary, State of Uttar Pradesh, GoC-in-C, Central Command and representatives of the Indian Air-Force. The meeting considered the organizational structure and processual arrangements to be created for the aforesaid purpose.

26. The Government Order composing a High Powered State Level Committee (for looking into the grievances and welfare of the serving service personnel and martyrs of the armed forces) was promptly taken out by the Government of Uttar Pradesh on 17.01.2025.

27. The said High Powered State Level Committee which is headed by the Chief Secretary, Government of Uttar Pradesh is composed of various Additional Chief Secretaries and

Principal Secretary rank officers of the State Government and the GoC-in-C, Central Command as members.

28. The presence of Senior State officials with the Chief Secretary as the Chair well equips the High Powered State Level Committee to address the issues at hand. However, the representation of the services leaves something to be desired. A response was called from the State Government in this regard.

29. It was submitted by Shri Ashok Mehta, learned Additional Advocate General assisted by Shri Subhranshu Shekhar, learned Additional Chief Standing Counsel for the State that the State Government is open to the idea of inducting any other members of the defence services as may be required in the interests of the services in the aforesaid Committee. Suggestions were also invited by this Court from the military as well as Air-Force authorities.

VIII. High Powered State Level Committee: Composition, Meetings & Quorum

30. The representation of the service members in the said committee is being recast with consent of the State Government. The composition of the High Powered State Level Committee created under the Government Order dated 17.01.2025, is modified to the extent of military representation:

Chairperson of the High Powered State Level Committee:

I. Chief Secretary, Government of U.P. is the Chairperson of the High Powered State Level Committee.

Members of the Committee from the State administration:

- I. Additional Chief Secretary, Department of Home, Government of Uttar Pradesh (Member of the State Government) Officer of the State;
- II. Additional Chief Secretary, Department of General Administration, Government of Uttar Pradesh;
- III. Principal Secretary, Revenue Department, Government of Uttar Pradesh;
- IV. Principal Secretary, Department of Army Welfare
- V. Director, Department of Sainik Welfare and Resettlement, Uttar Pradesh, Lucknow

Members of the Committee from the Indian Army:

1. General Officer Commanding-in-Chief, Central Command;
2. General Officer Commanding, Madhya Uttar Pradesh Sub-Area;
3. Brigadier Administration, HQ Central Command;
4. Assistant Adjutant General, HQ Central Command;

Members of the Committee representing the Indian Air Force:

1. Air Officer Commanding-in-Chief, Central Air Command (AOC-in-C CAC);
2. Senior Officer-in-Charge Administration, Central Air Command (SOA CAC).

Members of the Committee from the Indian Navy:

31. The interests of the Indian Navy shall be protected by the officials of the Indian Army in the Committee after due

consultation with the competent authority in the naval headquarters. It is also open to the Navy to appoint any officer in this regard.

32. It is further clarified that the GoC-in-C, Central Command, the AOC-in-C Central Air Command and the Indian Navy may vary the composition (without increasing the strength) of military representation depending upon the service needs in future.

33. The Chief Secretary, State of Uttar Pradesh/Chairperson of the Committee may also, if required enlarge the strength of the State officials in the Committee.

34. The first meeting shall be held within a period of one month from the date of receipt of a certified copy of this order.

35. The High Powered State Level Committee thus constituted shall develop their own procedures and frequency of meetings after mutual consultation. The meetings shall be called regularly and may be requisitioned at the instance of either parties.

36. The quorum of the meetings will be as follows:

A). 50% of the members of the committee is the quorum for the meetings.

B). Presence of at least one officer of the defence services as a member shall be mandatory to satisfy the quorum.

37. The Chairperson/Chief Secretary, State of Uttar Pradesh shall possess overriding powers to achieve the object and purpose of the said Committee.

IX. District Level Committee: Composition, Meetings & Quorum

38. The District Level Committee shall be constituted in every district of the State of Uttar Pradesh shall be constituted as under:

A. District Magistrate (Chairman);

B. Superintendent of Police/Senior Superintendent of Police/Commissioner of Police/Police Chief of the district;

C. Any other officer as may be nominated by the District Magistrate;

D. The representatives of the local military authorities may be nominated by the competent headquarters.

39. The first meeting of the District Level Committees' shall be held within one month from the date of receipt of a certified copy of this order.

40. The District Level Committees' thus constituted shall develop their own procedures and frequency of meetings after mutual consultation. The meetings shall be called regularly and may be requisitioned at the instance of either parties.

41. The quorum of the meetings will be as follows:

A). 50% of the members of the committee is the quorum for the meetings.

B). Presence of at least one officer of the defence services as a member shall be mandatory to satisfy the quorum.

X. Inter Services Coordination:

42. The three services shall establish full inter services coordination for the securing the welfare of the separated families of serving personnel. Concert in peace is precursor to synergy in war. The three services shall create proper SOPs for sending the representations /complaints of various serving armed forces personnel through their Commanding Officers' to the concerned committees. All Commanding Officers and service personnel in the country be duly intimated about the existence of the above said committees and their purpose.

XI. Conclusions:

43. The said High Powered State Level Committee should ensure that the model created by the State of Uttar Pradesh becomes a benchmark of excellence and a template for other States in the country.

44. The Court would like to commend the stand taken by the Chief Secretary, Government of Uttar Pradesh, Lucknow, and the assistance rendered by Shri Ashok Mehta, learned Additional Advocate General assisted by Shri Subhranshu Shekhar, learned Additional Chief Standing Counsel for the State. A major impetus has been given to the cause of welfare

of separated families of servicemen and kin of martyrs because of their constructive approach.

45. The assistance of Major Steve Barreto, OIC, Legal Cell HQ Purva UP & MP Sub Area in assisting the Court to navigate the various issues is highly appreciated. His contribution cannot be overlooked by the military authorities.

46. Copies of this order be sent by the learned Additional Solicitor General of India to the Chief of Defence Staff, Chief of Army Staff, Chief of Air Staff, Chief of Naval Staff for further action if any, and to examine the feasibility of replicating the abovesaid Uttar Pradesh model of High Powered State Level Committee in other States of the country.

47. Learned Additional Advocate General to communicate this order to the Chief Secretary, Government of Uttar Pradesh, Lucknow.

48. OIC, Legal Cell HQ Purva UP & MP Sub Area to communicate a copy of this order to the Commanding Officer 20th Rajputana Rifles.

49. The writ petition is accordingly disposed of.

Order Date :-20.2.2025

Ashish Tripathi