

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP (C) No. 2680/2025

Pronounced on : 17.02.2026

Uploaded on : 18.02.2026

1. Union of India through its Secretary,
Ministry of Defence, South Block, New-Delhi-110011. Petitioner(s)
2. The Chief of Army Staff through AGs Branch,
IHQ of MoD (Army),
Additional Directorate General Personnel Services, DHQ,
PO New Delhi-110011.
3. The Chief Controller of Defence Accounts (Pensions),
Draupadi Ghat, Allahabad, Uttar Pradesh-211014.
4. The Officer-in-Charge Records,
Records the Punjab Regiment, PIN 908 761, C/o 56 APO.

Through :- Mr. Rohan Nanda, CGSC

v/s

Asha Rani, W/o No. 2474877W,
Late Hav Subash Singh SM,
R/o Village Kharute, PO Kharute, Tehsil Kathua,
District Kathua (J&K).

.....Respondent(s)

Through :- Mr. Amit Singh, Advocate
Mr. B S Sarmal, Advocate

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER (ORAL)

17.02.2026

1. The order and judgment dated 24.04.2023, passed by the Armed Forces Tribunal, Regional Bench, Srinagar at Jammu [**“the Tribunal”**] in OA No. 713 of 2019, titled *“Smt. Asha Rani Vs. The Union of India & Ors.”*, is a subject matter of challenge in this petition, filed by the Union of India under Article 226 of the Constitution of India, whereby the Tribunal has allowed the OA of the respondent and has held her entitled to Special Family Pension

on account of death of her husband. The arrears to be paid to the respondent have been restricted to three years preceding the date of filing of the OA.

2. The judgment impugned is challenged by the petitioners, primarily on the ground that, the Tribunal has not appreciated the fact that despite the communication dated 06.05.2019, issued to the respondent, requesting her to provide the medical record pertaining to the death of her husband, no record was produced before the petitioners to take a view in the matter.

3. Having hearing learned counsel for the parties at length and perused the material available on record, we find that the Special Family Pension is governed by Regulation 213 of Pension Regulations for the Army, 1961 (Part-I). For facility of reference, Para 213 is reproduced as under:

“Special Family Pension

213..... A special family pension may be granted to the family of an individual if his death was due to or hastened by

(a) A wound, injury or disease which was attributable to military service,

OR

(b) The aggravation by military service of a wound, injury or disease, which existed before or arose during military service.”

From reading of Para 213 (supra), it becomes abundantly clear that the family member of an individual would be entitled to Special Family Pension only if his death was due to or hastened by wound, injury or disease which was attributable to Military service

or aggravation by Military service of such wound, injury or disease which existed before or arose during Military service lead to the death of an individual.

4. It is true that in terms of Para 8 (b) of the Entitlement Rules to Casualty Pensionary Awards 2008, where an individual is in receipt of a disability pension and dies within a period of 7 years from his release/retirement. It shall be presumed that he had died of the disease for which he was granted disability pension at the time of his release/retirement.
5. In the instant case, the husband of the respondent died after 12 years from the date of discharge from service. The respondent would have been entitled to Special Family Pension, only if the death of her husband was a result of disability/disease for which he was granted disability pension at the time of his release/reward. It is with a view to determining this aspect, the petitioners had requested the respondent to provide the medical record. It seems that because of inability of the respondent to produce the relevant medical record before the authorities, a decision in the matter could not be taken.
6. Be that as it may, the fact remains that the issue needs to be considered by the medical authority in light of the medical record which the respondent is obliged to produce before the petitioners.
7. For the foregoing reasons, **this petition is disposed of with a direction to the respondent to place the entire record pertaining to the death of her husband before the petitioners within a period of two weeks from today.** On receipt of the medical record, the competent authority of the petitioners shall consider the same

and in case it is found that the husband of the respondent has died of the disease/disability for which he was granted the disability pension, the respondent would be held entitled to the Special Family Pension. Needless to say that such Special Family Pension shall be payable to the respondent w.e.f. 31.12.2015 along with arrears restricted to three years preceding the date of filing of the OA.

8. The judgment passed by the Tribunal is modified to the aforesaid extent only.

JAMMU
17.02.2026
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