

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-21468-2023
Date of decision: 31.01.2024

GEETA DEVI
Vs.
UNION OF INDIA AND ORS.

....PETITIONER
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ashish Rana, Advocate and
Mr. S.K. Rana, Advocate
for the petitioner.

Mr. Ramesh Chand Sharma, Senior Panel Counsel
for the respondents-Union of India.

JAGMOHAN BANSAL, J (ORAL)

1. Written statement filed today on behalf of respondent Nos. 1 to 4 is taken on record. Registry is directed to tag the same at an appropriate place.
2. On 26.09.2023, the following order was passed:-

“The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 17.12.2021 (Annexure P-5) whereby claim of the petitioner qua extraordinary pension has been declined.

The husband of the petitioner joined Border Security Force as Constable on 24.05.1986. He collapsed while on duty on 23.06.2001. The respondent declined to grant benefit of extraordinary pension on the ground that husband of the petitioner had died due to ‘Myocardial Ischemia as a result of narrowing of left Circumflex Artery’. The death is due to sudden acute heart failure and the said disease is not specified in Schedule 1-A of Rule 3(4) of CCS (EOP) Rules, 1939.

The petitioner is claiming extraordinary pension on the ground that her husband had died due to heart failure. At the time of his death, he was posted at Line of Control and was doing his duty when cross border firing and shelling was going on at a height of around 8000 ft. and climate was rainy and critically cold.”

3. Counsel for the petitioner submits that case of the petitioner is squarely covered by judgment dated 03.11.2023 of this Court passed in **Raj Bala Vs. Union of India and others** reported as **(2023) SCC Online P&H 3883**. He further submits that petitioner is also entitled to *ex-gratia* amount.

4. Mr. Ramesh Chand Sharma, Senior Panel Counsel expressed his inability to controvert applicability of aforesaid judgment to the present case. With respect to *ex-gratia* amount, he submits that competent authority would re-look into the matter and pass an appropriate order within 6 months from today.

5. Counsel for petitioner agrees with the aforesaid arrangement.

6. In the wake of statements of both sides, the petition *qua* claim of extra ordinary pension is disposed of in terms of judgment of this Court in the case of ***Raj Bala (Supra)***.

7. The respondents will decide claim of the petitioner *qua* ex-gratia amount within 6 months from today.

31.01.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No