



150 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1444-2025 (O&M)
Date of Decision: 20.01.2025

Union of India and others ...Petitioners

Vs.

Smt. Indra Devi and another ...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present Ms. Pooja Sharma, Advocate for the petitioners.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Learned counsel for the petitioner submits that although the deceased rifleman may have been part of the '*Operation Parakram*' but he had died on account of myocardial infarction and, therefore, his widow would not be entitled to Liberalized Family Pension, as she would fall within category 'B' of Clause 3.2 of the Circular dated 31.01.2001, which reflects that the Liberalized Family Pension would be available only in cases of death caused in reference to category 'B' and 'E' as per Clause 4.2 of the said circular issued by the Government of India, Ministry of Defence.

Learned counsel submits that even though the deceased rifleman was participating in the '*Operation Parakram*' and his death did not occur at the time of the operation but died on account of heart attack due to extreme weather conditions. Learned counsel further submits that under Category 'E' sub clause (i), the word '*operation*' has been specifically notified by the government from time to time and has to be read in terms of the amendment made on 03.02.2011, whereby, following lines were inserted namely death or disability arising as a result of poisoning of water by enemy while deployed

in operational area active hostilities. He further submits that the case of the respondent No.1 would fall in Category 'E' sub clause '(i)', where operations notified by the government from time to time would include '*Operation Parakram*' as has been held by the Armed Forces Tribunal.

3. We have carefully considered the submissions raised at bar and also perused the order passed by the learned AFT. The learned AFT after having taken into consideration the fact that the death of the respondent No.1's husband was considered as a battle casualty and was posted at the Line of Control in '*Operation Parakram*' at Punchh, proceeded to notice the letter dated 31.01.2001, issued by the Government of India, which authorizes to deal with Liberalized Family Pension in cases of death of armed forces personnel under circumstances mentioned in Categories 'D' and 'E'. Since, Category 'E' sub clause '(i)' mentions of operations specifically notified by the government from time to time, which would include '*Operation Parakram*', the AFT has directed for release of the Liberalized Family Pension to the widow.

4. We find that the AFT has also considered the arguments raised by the counsel to notice that a person may fall in two different categories but if the widow is entitled for benefit under any of the two categories namely 'D' and 'E', the widow would be entitled to Liberalized Family Pension which is more than the Special Family Pension granted to her earlier. Accordingly it directed as under:-

“The respondents are directed to calculate and disburse the difference of amount between Special Family Pension and Liberalized Family Pension to the applicant within one month after issuance of the fresh PPO, failing which, this amount shall carry interest @ 8% per annum from the date of expiry of the

total four month’s period granted for complying with the present order.”

5. We do not find any reason to differ from the view already taken by the AFT. The argument raised by the learned counsel with regard to inserting of lines in category ‘E’ sub clause ‘(i)’, would be only inclusive to any dedition to the operations specifically notified by the government from time to time. The same would, therefore, add and not delete the persons to be benefited which may suffer on account of any casualty during operations specifically notified by the government. Since the deceased died while conducting ‘*Operation Parakaram*’ as per category ‘E’, the wife of the deceased, would therefore be entitled for the same. The writ petition is devoid of merit and is accordingly dismissed.

6. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

20.01.2025
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| 1. Whether speaking/reasoned? | : | Yes/No |
| 2. Whether reportable? | : | Yes/No |