

**CWP-3950-2025****1**

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(229)**CWP-3950-2025****Date of Decision : November 26, 2025****Union of India and others****.. Petitioners****Versus****Smt. Kalawati Devi and another****.. Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Ms. Promila Nain, Senior Advocate, with
Mr. Arshad Ali, Advocate, for the petitioners.

Mr. Akash Kundu, Advocate, for respondent No.1.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 07.12.2022 (Annexure P-1) passed by respondent No.2- the Armed Forces Tribunal, Chandigarh (hereinafter referred to as 'the Tribunal') by which, respondent No.1 has been allowed the benefit of special family pension instead of normal pension.

2. Learned Senior Counsel for the petitioners submits that though, at the time of discharge, husband of respondent No.1 was suffering from a disability for which he was granted the disability pension for a period of five years and after his death, the normal family pension was given which was not agitated but now, after 25 years, claim has been raised for special family pension, which should not have been entertained by the Tribunal whereas, the benefit has been extended.

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3. Learned counsel appearing on behalf of respondent No.1 submits that once at the time of discharge, the husband of respondent No.1 was disabled and he was already allowed the disability pension, after the death of such disabled soldier, who was getting disability pension, normal family pension is not allowed rather special family pension is allowed which benefit has been extended by the Tribunal, which is perfectly valid and legal.

4. We have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Once the facts which have mentioned hereinbefore that at the time of discharge on 31.01.1992, the husband of respondent No.1 was disabled and was granted disability pension (01.12.1992 to 19.06.1996), after the death of such retired soldier on 26.11.993, the widow is entitled for the special family pension for life from 27.12.1993 and not the ordinary pension. The benefit granted to respondent No.1 is perfectly valid and legal and in accordance with law.

6. The argument being raised by the learned Senior Counsel for the petitioners is that the claim for the special family pension was raised after a period of 25 years.

7. It may be noticed that the claim of pension/family pension cannot be rejected on the ground of delay. Further, it was the duty of the petitioners to grant the required benefit of special family pension to the wife of the deceased soldier. Once the said benefit has been granted by the Tribunal, the grievance being raised that the same have been granted after 25 years cannot be allowed to deny and entitled benefit in favour of



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respondent No.1.

8. No other argument has been raised.
9. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.
10. Accordingly, the writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

November 26, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No