



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

**CWP No.5495 of 2025
Date of Decision: 18.03.2025**

Union of India and others

.....Petitioners.

Versus

Smt. Hari Devi and another

.....Respondents.

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

Present:- Ms. Geeta Singhwal, Senior Panel Counsel, UOI
 for the petitioners.

SANJEEV PRAKASH SHARMA, J.(Oral)

The petitioners-UOI assail the order passed by the Armed Forces Tribunal, Regional Bench, Chandigarh (for short 'the AFT') in ***O.A. No.1107 of 2020*** way back on 31.03.2022.

2. Learned counsel for the petitioners-UOI submits that the directions issued by the AFT for releasing Special Family Pension to the widow of the Armed Forces personnel, who expired while on duty, was erroneous and she was only entitled to Ordinary Family Pension which she was receiving. Learned counsel further submits that the heart-attack which occurred resulting in death of the Armed Forces personnel, cannot be said to be attributable to military service.

3. We have considered the submissions.



4. We find that the husband of the petitioner was a Naib Risaldar posted in 84 Armed Regiment and while he was attending morning PT Parade in field area, he suffered a heart-attack resulting in his death. It is to be noticed that he was placed in low medical category BEE(P) w.e.f. 17.06.1995 on account of Primary Hypertension. Still, he was directed to attend PT Parade and expired on 12.12.1996.

5. It would be apposite to quote the Regulation 213 of the Pension Regulations for the Army 1961, which reads as under:-

“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.”

6. Thus, a careful reading of the afore-said provision reflects that a Special Family Pension may be granted not only for a disease attributable to military service but also where there is an aggravation by military service of a disease which existed before or arose during military service. Thus, we find that an Army personnel who was already placed in low medical category on account of hypertension was directed to perform further military service of aggravated nature resulting in his death on account of Myocardial Infarction. It is a known fact that a person who is suffering from severe hypertension would not be ordinarily asked to



perform duties of morning PT Parade. Thus, we find that the death had occurred on account of aggravation by military service and the disease existed or arose during military service. The widow, therefore, is entitled to Special Family Pension in terms of Regulation 213 (supra). The order passed by the AFT, therefore, does not warrant any interference.

7. We also noticed that the order was passed by the AFT on 31.03.2022 and has not been implemented till date and the present writ petition has been filed by the Union of India now in 2025 without giving any cogent reasons for the delay. The Hon'ble Supreme Court has recently observed in *Periyammal (Dead) through LRs and others Vs. V. Rajamani and another etc., 2025 INSC 329* that the orders passed in such cases deserve to be executed within a period of six months. Thus, the natural corollary is that the orders passed by any Tribunal or Court ought to be taken up in appeal or writ within six months thereto. Otherwise, they would have to be treated as having attained finality unless there is a time period provided for challenge beyond six months' period.

8. We may not be misunderstood to say that a challenge cannot be made after a period of six months but if it is so done, cogent reasons must come forward for coming to the Court after the said period.

9. Having noticed the afore-said facts and law, we, accordingly, dismiss the present writ petition with a direction that the order be implemented immediately within a period of one week from today failing which contempt proceedings to be initiated against the concerned Officer who would be personally liable for not implementing the order.



10. A copy of this order be sent to the Director, Department of Ex Servicemen Welfare (Pension/Legal), Ministry of Defence, Government of India for necessary compliance.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

March 18, 2025
Yag Dutt

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*