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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-11985-2021

Date of decision:29.10.2025

SMT. NIRMAL KAUR

...PETITIONER

VERSUS

THE STATE OF PUNJAB AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. H.K. Brinda Advocate
for the petitioner.

Dr. Dharminder Singh Lamba, Addl. A.G., Punjab,
for respondents No.1 and 2.

Mr. Rohit Verma, Advocate
for respondents No.3 to 5.

SUVIR SEHGAL, J.

1. Petitioner has approached this Court *inter alia* for issuance of a writ in the nature of mandamus for directing the respondents for grant of benefit as per Notification dated 26.06.1999, Annexure P-4, issued by Department of Defence Services Welfare, Government of Punjab.

2. Petitioner's husband, Lance Naik Darshan Singh of the Sikh Regiment died on 22.07.2000 at 151 Base Hospital while serving in Counter Insurgency Operation (Operation RHINO) and a certificate dated 22.07.2000, Annexure P-1, was issued attributing death due to military

service. After his death, petitioner's in-laws turned her out of matrimonial



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home along with her two minor children. She is receiving normal pension and insurance benefits from the army authorities. However, she has not received any benefit from the Government of Punjab. Petitioner claims that Department of Defence Services Welfare has issued notification dated 26.06.1999, Annexure P-4, framing a scheme for Administration/Management of Punjab War Heroes' Families Relief Fund and she is entitled to the benefit under the aforesaid scheme.

3. Writ petition has been contested by the respondents by filing separate replies. A stand has been taken that petitioner's husband died a natural death and claim raised by the petitioner is not covered under the scheme notified vide, Annexure P-4. It has been further stated that State Government amended the scheme vide notification dated 29.10.2009, Annexure R-1, to provide for appointments of honour and gratitude and other financial benefits to be given in all cases of battle casualty, but petitioner's case is not covered even under the amendment. A separate response has been filed on behalf of respondents No.3 to 5, stating that petitioner has been granted special family pension under Regulation 213, which is admissible to her throughout her life.

4. Counsel for the petitioner has contended that her husband expired due to "Encephalopathy with Septicemia" which is an infection inflicted by deceased during active service and affected the brain. Reference has also been made by him to the certificate, Annexure P-1, issued by the army authorities, to contend that death had taken place while the petitioner was on duty.



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5. Opposing the petition, counsel for the respondents has argued that Darshan Singh had died a natural death and petitioner is not admissible to the benefit under the scheme, Annexure P-4, or amendment, Annexure R-1.

6. I have heard counsel for the parties and considered their arguments besides examining the documents referred to by them.

7. The relevant extract of the scheme notified on 26.06.1999, Annexure P-4, is reproduced hereunder:-

“2. Definitions

(a) XXXXXX

(b) XXXXXX

(c) Specified area of operation:- Any area specified/modified with the geographical limits of the country where hostilities have broken out/war has been declared or war like situation has arisen and where troops have been called for/engaged in operations. It also includes area affected by counter insurgency and low intensity operations.

(d) Death:- Death occurring on or after 1st January, 1999 in the specified area of operational responsibilities due to enemy action. It also includes death in harness in the performance of duties due to the accident, act of violence by terrorist or anti-social elements, border skirmishes, action against militants etc.” (emphasis added)

8. The scheme has been amended by notification dated 29.10.2009, Annexure R-1, whereby “specified area of operation”, wherever occurring in Annexure P-4 has been deleted with retrospective effect from 01.01.1999. This amendment provides that appointments of honour and gratitude and other financial benefits admissible under the rules/instructions shall be given in all cases of battle casualty as declared by the army authorities irrespective of any operation or any specified area of operation.

Although, by virtue of the amendment, “specified area of operation” has



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been deleted, but second portion of the above reproduced Clause 2(d), which has been underlined, has not been omitted. It specifically provides for benefits due to death in harness in the performance of duties due to various reasons. It cannot be disputed that death of Darshan Singh has taken place while he was on duty. Perusal of the certificate, Annexure P-1, shows that he was serving in Counter Insurgency Operation (Operation RHINO) and expired at the Base Hospital on 22.07.2000 while on duty. In the opinion of this Court, the case of petitioner would fall within the second part of Clause 2(d) and benefits accruing to petitioner under the scheme cannot be denied to her. There is merit in the claim raised by petitioner, which deserves to be acceded to.

9. Respondents No.1 and 2 are directed to consider the claim of petitioner under the scheme, Annexure P-1, and to grant the benefits due to her. This exercise be carried out within a period of four months from the date of communication of a copy of this order.

10. Petition is disposed of.

29.10.2025

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No