



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

210 (1)

CWP-10234-2023

Date of Decision: 19.12.2025

KAMLESH KUMARI

...Petitioner

Versus

UNION OF INDIA AND ORS

...Respondent

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

Present:- Mr. Navdeep Singh, Senior Advocate with
Mr. Rajat Chauhan, Advocate, for the petitioner.

Mr. Parvesh K. Saini, Senior Panel Counsel, with
Mr. Ashutosh Bhardwaj, Advocate,
for the respondents. (Through V.C.)

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the order dated 04.03.2020 (Annexure P-1) passed by respondent No.5-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'Tribunal'), wherein the arrears qua benefit of special family pension admissible to petitioner have been restricted to three years prior to filing of Original Application.

2. Learned senior counsel for the petitioner submits that the issue with regard to the restriction of the arrears was also raised by the similarly situated person in CWP-16935-2020, which has been decided on 06.08.2025, wherein the benefit of arrears has been granted keeping in view the settled principle of law settled by the Hon'ble Supreme Court of India in



Civil Appeal No.3086 of 2012 titled “**Balbir Singh vs. Union of India and others**”, decided on 08.04.2016. Hence, the present petition be also allowed in the same terms.

3. Learned counsel for the respondents has not been able to deny the said submission but submits that in the present case, the delay in filing for claim was inordinate.

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

5. It may be noticed that for claiming the pensionary benefits, no ground for delay can be taken and said delay cannot be brought into operation to deny the pensionary benefits as same is a recurring cause of action. Once the pensionary benefits admissible to an employee concerned cannot be denied on the ground of delay, the restriction of arrears cannot be done keeping in view the judgment of the Hon’ble Supreme Court of India in **Balbir Singh’s** case (supra). The relevant paras of the said judgment are as under:-

“XXX....The Tribunal was therefore justified in restoring the service element of the pension in favour of the appellant. The question however is whether the arrears could have been restricted to three years only. The Tribunal in our view need not have done so. That is because the appellant had a right to receive service element of the pension in light of Regulation 186 (supra), which right was valuable and ought to have been protected.

We accordingly allow this appeal and modify



the order passed by the Tribunal with the direction that the appellant shall be paid service element of the pension with effect from the date the said payment was stopped by the respondents. We however grant to the respondents three months time to calculate and release the arrears in favour of the appellant. In case the needful is not done within the time stipulated, the arrears payable to the appellant shall start earning interest at the rate of 9% from the date the period of three months expires till actual payment of the amount.”

6. Even otherwise, in the present case, the entitlement of the pensionary benefits has not been denied at the hands of respondents and rather, it was conceded before the Tribunal that ordinary pension was wrongly granted to petitioner. Once, from the day one, the petitioner was entitled for the grant of said benefit, it became the duty of the welfare State i.e. the respondents to grant the said benefit. Merely because the entitled benefit was not claimed as the same was claimed after an inordinate delay, the same will not absorb the State from its liability to compensate the entitled person for the benefit which had been denied to him/her for a long duration.

7. Keeping in view the above, as learned counsel for the respondents has not been able to rebut that the issue raised in the present petition is covered by the judgment of this Court in CWP-16935-2020, the present petition is disposed of in terms of the judgment passed in CWP-16935-2020, titled as ‘*Harjinder Kaur vs. Union of India and others*’,



decided on 06.08.2025.

8. Pending application, if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

December 19, 2025
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No