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

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CWP-14126-2025 (O&M)
Date of Decision :19.08.2025

Union of India and others

...Petitioners

Versus

Rita Sharma and another

..Respondents

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

Present: Ms. Saigeeta Srivastava, Senior Standing Counsel
for the petitioners-UOI.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the order dated 26.07.2023 (Annexure P/3) passed by the Armed Force Tribunal Regional Bench, Chandigarh (for short, 'Tribunal') by which respondent No.1 namely, Rita Sharma has been allowed the benefit of dependent family pension, being dependent upon her mother namely, Motiya Devi, who died on 10.08.2005.

2. Learned counsel for the petitioners-UOI argues that the father of the respondent No.1 namely, Tigor Nath @ Tagore Nath was enrolled in Army on 30.10.1946 and was invalided out from service on 17.05.1965 after rendering 18 years and 199 days in service for which he was also granted benefit of disability pension but he unfortunately died on 14.02.1986, after which, mother of the respondent No.1. namely, Motiya Devi was granted the



benefit of family pension starting from 15.02.1986.

3. Learned counsel for the petitioners-UOI submits that Motiya Devi also died on 10.08.2005 and thereafter, the respondent No.1-Rita Sharma claimed the benefit of family pension on the ground that she is a divorcee and dependent on her mother, which claim has been accepted by the Tribunal.

4. The only argument raised by learned counsel for the petitioners-UOI is that the divorcee daughter i.e. respondent No.1 got divorce on 12.12.2006 by way of mutual consent, which was after the death of mother of respondent No.1 Motiya Devi hence, the divorce which attained finality after the death of mother of respondent No.1 Motiya Devi will not entitle the respondent No.1- Rita Sharma for the grant of benefit of family pension by treating her as dependent upon her mother Motiya Devi so as to claim benefit of family pension, which fact has been ignored by the Tribunal while granting relief in favour of respondent No.1-Rita Sharma.

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

6. It may be noticed that the respondent No.1 has brought on record enough material evidence to show that since the year 1999, respondent No.1-Rita Sharma was living separately from her husband since long and was living with her mother Motiya Devi and was dependent upon her, who was taking care of respondent No.1-Rita Sharma. The said fact has gone un rebutted at the hands of petitioners-UOI even during the hearing today.

7. Once, the respondent No.1-Rita Sharma was dependent upon



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her mother Motiya Devi starting from the year 1999, merely that the divorce proceedings ended after the death of Motiya Devi cannot take away the right of respondent No.1 to claim that she was dependent upon her mother, Motiya Devi on the date she died. The fact that respondent No.1-Rita Sharma was living with her mother Motiya Devi for over a period of 16 years before Motiya Devi died and Motiya Devi was taking care of respondent No.1-Rita Sharma during the said period, which fact has gone un rebutted, the Tribunal has rightly come to be conclusion that respondent No.1-Rita Sharma was dependent upon her mother Motiya Devi so as to claim family pension after the death of Motiya Devi.

8. Once, the respondent No.1-Rita Sharma was dependent upon her mother Motiya Devi even when she was alive, the view taken by the Tribunal that Rita Sharma was dependent upon her mother on the date when she died, cannot be treated as perverse to the facts and evidence which have come on record and Rita Devi cannot be denied the benefit only on the ground that ultimately divorce was granted after the death of Motiya Devi.

9. Keeping in view the above, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

10. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

August 19, 2025
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No