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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-15171 of 2024 (O&M)
Date of Decision: 10.11.2025

Union of India and Others

...Petitioners

Versus

Ex. NK Kuldeep Singh and Another

.... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**Present: Ms. Geeta Singhwal, Sr. Central Government Counsel,
for the petitioners.

Mr. Chakshu Sharma, Advocate, for respondent No.1.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the order dated 25.11.2022 (Annexure P-1) passed by the Tribunal granting the benefit of disability element of disability pension to the respondent, who had suffered 90% disability in an accident which he suffered while taking the dead body of his wife from an Army Hospital to his native village for cremation in an ambulance.

2. Learned counsel for the petitioners argues that as, the respondent was on annual leave, and he suffered an accident in the ambulance he was travelling while taking the dead body of his wife from Army hospital to the native village, the said act cannot be treated as attributable to the military service, which fact has been ignored by the Tribunal while awarding benefit of disability element of disability pension which error should be rectified by this Court. Learned counsel for the petitioner places reliance upon the judgment of the Hon'ble Supreme Court in *Civil Appeal No.4981 of 2012 titled as The Secretary, Government of*



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India and ors. Vs. Dharambir Singh decided on 20.09.2019 to contend that there has to be at-least some remote connection I the injury sufferd with the military service has to exist even if, the disability is suffered in an accident by a soldier, which remote connection is missing in the facts and circumstances of the present case. Learned counsel for the petitioner also places reliance upon the judgment in **Civil Appeal No.9654 of 2014 titled Union of India and others Vs. Ex. Naik Ram Singh** decided on 18.07.2022 to hold that any accident suffered by an army personnel on a public road, at the time when such army personnel availing the benefit of leave, has no nexus with military service therefore, on the basis of said judgment, the benefit of disability pension granted by the Tribunal to the respondent needs to be set aside.

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

4. Certain facts which have gone undisputed needs to be noticed to arrive at the conclusion that whether, in the facts and circumstances of the present case, the grant of disability pension in favour of respondent is valid or not.

5. The wife of the respondent got admitted in the Army Hospital and had unfortunately died. The respondent had gone to collect the body of his wife from the army hospital so as to be taken to his native village for cremation. The ambulance which was carrying the dead body, was provided by the military authorities. It was during the said transportation of the dead body from the army hospital to native village, the accident occurred.

6. From the facts it is clear that the ambulance/vehicle in which

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the injuries were sustained provided by the Army to transport the body of the dead wife to be taken to his native village for cremation. Further, the respondent was on a leave so as to take care of his ailing wife who had unfortunately thereafter died while in the army hospital. These facts cannot be ignored to hold that army was involved till the accident took place and even the vehicle which was involved in the accident which was provided for transporting of dead body of respondent's wife from the army hospital to his native village was arranged by the army authorities.

7. The findings which have recorded by the Tribunal the leave granted by the respondent is to be treated as duty period, when all the facts are conjoined, accident occurred while on a duty period and that too in an ambulance which has been provided by an Army, qua such accident took place in which respondent suffered 90% disability, it has to be said that there is a connection with the military service even if the same is remote.

8. The first judgment cited by the learned counsel for the petitioner i.e. **Dharambir Singh (supra)**, it may be noticed that in paragraph 36(e), the following has been recorded:

“36(e) The hazards of Army service cannot be stretched to the extent of unlawful and entirely un-connected acts or omissions on the part of the member of the force even when he is on leave. A fine line of distinction has to be drawn between the matters connected, aggravated or attributable to military service, and the matter entirely alien to such service. What falls ex-facie in the domain of an entirely private act cannot be treated as legitimate basis for claiming the relief under these provisions. At best, the member of the force can claim disability pension if he suffers disability from an injury while on casual leave even if it arises from some negligence or misconduct on the part of the member of the force, so far it has some connection and nexus to the nature of the force. At

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least remote attributability to service would be the condition precedent to claim under Rules 173. The act of omission and commission on the part of the member of the force must satisfy the test of prudence, reasonableness and expected standards of behaviour.

A bare perusal of the above would show that there is a remote connection of the army authority coupled with the fact that the respondent was to be treated on duty during the said period. Respondent herein was travelling from an army hospital to his native village to cremate his dead wife. Hence, the claim of the respondent will be covered that such accident suffered has to be treated as attributable to the military service.

9. With regard to the judgment of Hon'ble Supreme Court of India in **Ex. Naik Ram Singh (supra)**, it may be noticed that the facts in the said case have to be seen and not only the observations by the Hon'ble Supreme Court of India. In the case of **Ram Naik (supra)**, as the accident was suffered on a public road without there being any corroborative evidence to involve the military, observations were recorded by Hon'ble Supreme Court of India, which observations cannot be brought into the operation in the facts and circumstances of the present case to deny the benefit to the respondent for a disability pension when he suffered 90% disability in the such accident. The respondent was not found to be negligent even in while suffering the accident as he was only passenger transporting the dead body of his wife from the army hospital to his native village for cremation and that too in an ambulance provided by the Army Authorities.

10. Keeping in view the totality of the circumstances, the order of the Tribunal cannot be treated as perverse either on facts or law. Hence, no ground is made to interfere in the order of the Tribunal dated 25.11.2022, the



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present petition is dismissed.

Pending applications, if any, shall stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

November 10, 2025
anil

(VIKAS SURJ)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No