



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

118

CWP-16444-2025**Date of Decision: 18.08.2025**

Union of India and others

...Petitioners

Versus

Smt. Renu and another

...Respondents

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

Present:- Ms. Promila Nain, Senior Panel Counsel,
for the petitioners.

Mr. Navdeep Singh, Advocate, for respondent No.1.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. The present petition has been filed challenging the order dated 08.10.2021 (Annexure P-1) passed by the Armed Forces Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which respondent No.1-widow of the deceased army personnel has been granted the benefit of special family pension by treating the death of husband of respondent No.1 as attributable to military serviced.

2. The argument which has been raised against the order dated 08.10.2021 (Annexure P-1) is that respondent No.1, who is the widow of officer concerned, should not have been granted the benefit of special family pension, as the death of the officer concerned occurred in an accident while he was availing his causal leave. Learned counsel for the petitioners argues



that an accident, which occurred while the officer was enjoying his leave in his village, cannot be treated as attributable to the military service. Hence, the Tribunal failed to appreciate the said fact while granting the benefit of special family pension to respondent No.1. Learned counsel for the petitioners further submits that the benefit of special family pension can only be granted if the requisites of para 213 of the Pension Regulations for the Army, 1961, are fulfilled, which in the facts and circumstances of present case have not been fulfilled but still the benefit of special family pension has been awarded in favour of respondent No.1 by placing reliance upon para 12(f) of the Entitlement Rules for Casualty Pensionary Awards, 1982.

3. On an advance copy of petition having been served upon the respondents, learned counsel appearing on behalf of respondent No.1 argued that the though the officer concerned i.e. the husband of respondent No.1 was availing casual leave, but the accident occurred when he was returning after making his reservation in Railways for his return journey to his unit, as his casual leave period was about to come to an end. Learned counsel for respondent No.1 submits that the booking of the ticket for his return to the unit was the reason, which led to the passing of the impugned order by the Tribunal so as to hold that the said act, which was being performed by the officer concerned at the time when he met with an accident, which led to his death, was attributed and connected with the military.

4. We have heard learned counsel for the parties that have gone through the record of the case with their able assistance.



5. Before discussing the law on the issue, certain conceded facts are that the officer concerned, who met with an accident, was coming back after booking his return ticket so as to join the Unit back after availing his casual leave. As per the settled principle of law and rules governing service, an officer who is on causal leave, is to be treated as being on duty. Under these circumstances, this court is to decide whether the impugned order passed by the Tribunal granting the benefit of special family pension in favour of respondent No.1 is valid or not.

6. The Hon'ble Supreme Court of India in Civil Appeal No.1926 of 1999, titled as ***Madan Singh Shekhawat vs. Union of India and others***, decided on 17.08.1999, held that the grant of disability pension is governed by the various rules in the Defense Service Regulations and as per Rule 10 of the said Regulations, the period of casual leave counts as duty period. Further, in case where an army personnel is travelling either for the purpose of joining or to join the family back after coming from the unit or vice versa, the same is to be treated as part of the duty. Hence, it cannot be said that the act of the late husband of respondent No.1 coming back after booking the ticket for the journey back to join the Unit and that too, while being on duty and meeting with an accident on the way which, led to the death, is not attributed to or connected with the military service.

7. The same issue was again considered by the Hon'ble Supreme Court of India in Civil Appeal No.2433 of 2011, titled as ***Union of India and another vs. Surendra Pandey***, decided on 18.09.2014 wherein it has



been held that travelling back to join the family from the Unit and meeting with an accident on the way, has to be treated as connected with and attributed to the military service so as to grant the special family pension to the wife of the deceased officer. The reliance was placed upon the judgment in ***Madan Singh Shekhawat's*** case (supra).

8. While deciding the Civil Appeal No. 5625 of 2008, titled as ***Ravindran P.M. vs. Union of India and others***, decided on 11.09.2008, Hon'ble Supreme Court of India has held that when an officer meets with an accident while in possession of an outpass, which outpass gives the jurisdiction to the personnel concerned to travel outside the military area, the happening of an accident during such travel and injuries suffered or the death occurred during such travel has to relate to and attributed to military service so as to grant the benefit of disability pension in case of injury or the special family pension in case of death. The relevant paragraphs of the judgment is as under:-

“This appeal is directed against the judgment and order dated 27th July, 2005 passed by the High Court in Kerala in O.P. No.13522(1) of 1997 dismissing the appellant's claim that he was entitled to disability pension, having suffered injuries in an accident while in possession of an 'out pass'.

On behalf of the appellant, who has enrolled in the Army in 1980, it was submitted that since he had been involved in an accident while he was holding such 'out pass', it must be held that he was on duty at the relevant point of time. The High Court had negated the said stand and, accordingly, the appellant



has filed the instant appeal.

Having heard learned counsel for the parties and having considered the answer from the Army authorities, addressed to the appellant on 2nd April, 2008, in reply to the application filed by him on 30th September, 2007 under the Right to Information Act, 2005 defining ‘out pass’ to be a permission accorded to an individual to proceed outside the unit precincts as per the customs of service and further clarifying that during the said period the person concerned is deemed to be on duty and continues to remain subject to the Army Act, we are inclined to accept the case made out by the appellant. It must also be indicated that the learned Additional Solicitor General was not in a position to dispute the said contention in view of the said communication from the Army authorities.

Accordingly, we allow the appeal, and upon holding that the appellant continued to be on duty while in possession of an ‘out pass’, we further hold that he would be entitled to disability pension as claimed by him.”

9. Thereafter, the same issue again came up for consideration before the the Hon’ble Supreme Court of India in Civil Appeal No.4981 of 2012, titled as ***Secretary, Government of India and others vs. Dharambir Singh***, decided on 20.09.2019. The issue as to under what circumstances, an injury suffered or death can be treated as related to the Army service. The relevant extract of paragraph 36 is as under:-

“(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 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.”

10. A bare perusal of the above would show that though the Hon’ble Supreme Court of India held that hazards of the army service cannot be stretched to the extent of unlawful and entirely unconnected acts or omissions on the part of the member of the Force, when such officer is on leave, but a fine distinction has to be drawn between the matters connected, aggravated or attributable to the military service. The members of the Force can claim disability pension if he suffers disability from an injury while on availing casual leave, even if it arises from some negligence or misconduct on the part of the member of the Force so far as it has some connection and nexus to the nature of the Force. At least, a remote attributability to the



service would be the condition precedent to claim benefit of pension under the relevant rules.

11. As per the law settled by Hon'ble Supreme Court of India, in case there is a correlation or remote connection of the injuries suffered or death occurred with the military service, the benefit of disability pension in case of the injury or special family pension in case of the death, can be claimed.

12. Further, the same issue again came up for consideration initially before the Tribunal but reached to the Hon'ble Supreme Court of India, wherein the claim was raised on the basis of the injuries suffered in a road accident while the officer was availing casual leave at home. The Tribunal granted the said benefit to the officer concerned and an appeal was preferred being Civil Appeal No.122 of 2022, titled as ***Union of India and others vs. No.2869930A Ex. Hav. Dhanbir Singh***, decided on 18.02.2022, wherein the appeal was dismissed not only on the grounds of delay but on merit as well, which proves that even an injury suffered or death occurred by an army personnel while being on casual leave at home, can be attributed to the military service so as to claim the disability pension or the special family pension as the case may be

13. Last but not the least, the question which is being raised in the present petition, came up for consideration before a Division Bench of this Court in CWP No. 7896 of 202, titled as ***Union of India and others vs. Smt. Kanta Devi and another***, decided on 21.03.2025. In the said case also, the



officer concerned met with an accident while going for the reservation for his return journey to his Unit, which resulted in his death. Referring to Rule 213 of the Pension Regulations for Army, 1961 as well as 12(f) of the Entitlement Rules for Casualty Pensionary Awards, the judgment passed by the Tribunal was upheld that such accident will be treated as attributable to the military service so as to grant the benefit of special family pension.

14. Learned counsel for the petitioner has not been able to dispute the settled principle of law noted herein before, especially in *Smt. Kanta Devi's* case (supra), wherein the facts are also identical.

15. Keeping to the totality of the circumstances and the settled principle of law noted herein before, the grant of the benefit of special family pension in favour of respondent No.1 in the facts and circumstances of the present case as well as coupled with the settled principle of law noted herein before, cannot be treated as perverse either to the fact or settled principle of law so as to need any interference by this court. Accordingly, the writ petition is dismissed.

16. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

August 18, 2025

harish

Whether speaking/reasoned Yes

Whether reportable Yes