



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

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CWP-23339-2025 (O&M)
Decided on : 12.08.2025

UNION OF INDIA AND OTHERS

. .Petitioners

Versus

SMT SATYA DEVI AND ANOTHER

. . . Respondents

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

PRESENT: Ms. Gurmeet Kaur Gill,
Senior Panel Counsel for the petitioners- UOI.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 14.03.2023 (Annexure P-7) passed by respondent No. 2-Armed Forces Tribunal, Regional Bench, Chandigarh, by which, the respondent No. 1 has been held entitled for the benefit of Special Family Pension after the death of her son, who died while in service.

2. Learned counsel for the petitioners argues that the son of respondent No. 1 was availing casual leave for the period starting from 24.12.2004 to 31.12.2004 and during the said period, he met with an accident on 27.12.2004 and had ultimately died due to the injuries received in the said accident hence, as the accident of the son of respondent No. 1 occurred during his leave period, therefore, the death of the son of respondent No. 1 neither be held attributable to nor aggravated by the military service.

3. We have heard learned counsel for the petitioners and have gone through the case file with her able assistance.



4. From the record, it transpires that the son of the respondent No. 1 was on causal leave w.e.f. 24.12.2004 till 31.12.2004 and during the said leave period, the son of the respondent No. 1 met with an accident and succumbed to the injuries.

5. While considering the claim of the respondent No. 1, the Tribunal brought into operation the provisions of Leave Rules for Army. Rule 10 of which Rules states that the causal leave is to be treated as a part of duty period.

6. Once, the casual leave is to be treated as a part of the duty period, it has to be concluded that the accident of son of respondent No. 1 was held during his duty period.

7. On being asked to point out why, the accident of son of respondent No. 1 occurred during the duty period and injuries suffered therein or death occurred will not be treated as attributable to the military service? Learned counsel for the petitioners has not been able to controvert the said fact that any disability or death occurred even in an accident during the leave period, the same has to be attributed to the Military service.

8. Further, in the similar case being **OA No. 64 of 2021 titled as “Soni Mohd. Versus Union of India and others”**, the relief of special family pension has already been granted to an employee similarly situated to respondent No. 1, which fact has also got unrebutted.

9. No other arguments have been raised.

10. Keeping in view the totality of facts and circumstances and as the learned counsel for the petitioners has not been able to prove that the impugned order dated 14.03.2023 (Annexure P-7) is perverse, either on the basis of the facts or the settled principle of law, no ground is made out for



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any interference by this Court in the facts and circumstances of the present case.

11. Accordingly, the writ petition is dismissed.

12. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

12.08.2025

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Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*