



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

CWP No.18695 of 2025

Date of Decision: 09.07.2025

Union of India and others

.....Petitioners.

Versus

No.14371612W Ex Naik Pardeep Kumar and another

.....Respondents.

CORAM: ***HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA***
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Maheshinder Singh Sidhu, Senior Panel Counsel, UOI
 for the petitioners.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The present writ petition assails the order dated 23.01.2023 passed by the Armed Forces Tribunal, Regional Bench, Chandigarh at Chandimandir (for short 'the Tribunal') whereby the Tribunal relying upon the judgment passed by the larger Bench dated 01.10.2019 passed in ***OA No.1238 of 2016*** titled as "**Shama Kaur Vs. Union of India and others**" had allowed ***OA No.531 of 2022*** filed by respondent No.1.

2. It would be apposite to quote the relevant extract of the judgment passed by the larger Bench of the AFT in **Shama Kaur's case (supra)**, which reads as under:-

*“(i) In reference to Question No.(a), the issue of
condonation of shortfall up to one year (twelve*



months) in qualifying service for grant of pension to members of the Defence Security Corps who have 14 years or more service stands fully settled as per law declared by Constitutional Courts and interpretation rendered by this Tribunal, amongst others in Chattar Pal by the Hon''ble Supreme Court wherein the Respondents themselves have accepted the applicability of condonation up to one year for personnel of Defence Security Corps, by the Hon'ble High Courts of Delhi and Punjab & Haryana in Madan Singh and Mani Ram respectively and also by this tribunal in Bhani Devi and Mohanan. T (supra). The general applicability of condonation of shortfall upto one year by judicial intervention has also been settled by the Hon'ble Supreme Court in Surender Singh Parmar (supra). Therefore, condonation of shortfall in qualifying service upto 'one year' for grant of pension shall also be available to the personnel of the Defence Security Corps (DSC).

(ii) Clubbing point of reference (b) and (c), it is held that widows of defence personnel have the right to approach this Tribunal to claim pension or family pension in consequence to the claim of pension qua deceased employees which falls within the definition of "service matter" under the Act and this right is provided by Section 2(2) of the Armed Forces Tribunal Act, 2007. Though there is no applicability of limitation in continuing wrongs and recurring



causes of action, the arrears of pension, in the specific cases of condonation of shortfall, would however have to be restricted from 14.08.2001 as already directed in Paragraph 12 of Surender Singh Parmar (supra) which is binding on us. Further, the claims of dual family pension (in addition to the first family pension) would have to be restricted from 24.09.2012, as already provided by Ministry of Defence letter dated 17.01.2013 (supra).

(iii) In reference to Point (d), it is held that the law being fully settled, including by Constitutional Courts, there is no scope or occasion to doubt the correctness of the earlier decision of this Tribunal in Bhani Devi's case. It thus lays down the correct legal proposition of law."

3. The afore-mentioned decision of the larger Bench of the AFT has been upheld by the Hon'ble Supreme Court in **Union of India and another Vs. Surender Singh Parmar, (2015) 3 SCC 404** and the Apex Court directed to condone shortfall period of 315 days for the purpose of counting the total period of 15 years of service for grant of pension.
4. In the present case, admittedly, the shortfall is of 335 days in qualifying service of respondent No.1 which has been condoned by the Tribunal.
5. In view of the above, the challenge in the present writ petition is found to be without merits as the law is well settled in the case of **Surender Singh Parmar (supra)** that up to one year, relaxation and



condonation can be given if the person is discharged with service less than 15 years.

6. The present writ petition is, accordingly, dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

July 09, 2025
Yag Dutt

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*