



CWP-18009-2025 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246

CWP-18009-2025 (O&M)

Date of Decision :11.11.2025

Union of India and others

... Petitioners

Versus

Usha Rani and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURIPresent: Ms. Neha Jain, Senior Panel Counsel
for the petitioners-UOI.

None for the respondents.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 17.07.2023 (Annexure P-3) passed by respondent No. 2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal') by which, the claim of the respondent No.1 for the grant of benefit of life time arrears of service pension as well as the benefit of family pension with effect from the date of death of the husband of the respondent No.1 by condoning the shortfall in service of 117 days so as to fulfill the condition of completion of qualifying service period so as to entitle respondent No.1 for pensionary benefits has been allowed by the Tribunal by placing reliance upon the judgment of the Hon'ble Supreme Court of India in **Civil Appeal N.9389-2014 titled as Union of India and another vs.**

Surender Singh Parmar decided on 20.01.2015.



CWP-18009-2025 (O&M)

-2-

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

3. It may be noticed that late husband of the respondent No.1 was enrolled in the army on 05.04.1963 and was discharged from service on 08.12.1977 after completion of 14 years, 08 months and 03 days of service, for which period of service that he rendered with petitioners he has been granted the service pension by condoning the shortfall in qualifying service.

4. A bare perusal of the judgment of **Surender Singh Parmar (supra)** upon which Tribunal has placed its reliance so as to grant the aforementioned benefit, the same would show that the Hon'ble Supreme Court of India has taken note of order dated 14.08.2001 passed by Government of India, Ministry of Defence, by which, competent authority has been empowered to condone shortfall in qualifying service for grant of pension beyond six months and upto twelve months.

5. Hence, keeping in view the above said, as reliance has been rightly placed upon **Surender Singh Parmar (supra)**, so as to grant the benefit of condonation of shortfall in qualifying service, for purpose of grant of pensionary benefit, same needs no interference at the hands of this Court qua said aspect.

6. Qua the argument of the learned counsel for the petitioners that there has been a delay at the hands of respondent No.1 in approaching the Court, it may be noticed that as per the settled principle of law settled by the Hon'ble Supreme Court of India in **Civil Appeal No.4100-2022 titled as M.L. Patil (Dead) through LRs vs. The State of Goa and another, decided on 20.05.2022**, delay cannot be brought into as a ground so as to deny the

arrears of pensionary benefits as the same is a continuous cause of action



CWP-18009-2025 (O&M)

-3-

which shall render the ground of delay as infructuous. Relevant paragraph of the judgment is as under:-

“3.Having heard Shri Rahul Gupta, learned counsel appearing on behalf of the appellant and Shri Ravindra Lokhande, learned counsel appearing on behalf of the respondent State of Goa and considering the fact that even by the impugned judgment and order, the High Court has held that action of the State Government in requiring the original petitioners to retire at the age of 58 years or not permitting them to continue in their service upto the age of 60 years is illegal and null and void, we are of the view that the High Court has erred in observing that the appellant will not be entitled to any arrears of pension and the pension at the revised rates will become payable only from 1st January, 2020. As such, the High Court may be right and/or justified in denying any salary for the period of two extra years to the writ petitioners if they would have continued in service, on the ground of delay. However, as far as the pension is concerned, it is a continuous cause of action. There is no justification at all for denying the arrears of pension as if they would have been retired/superannuated at the age of 60 years. There is no justification at all by the High Court to deny the pension at the revised rates and payable only from 1st January, 2020. Under the circumstances, the impugned judgment and order passed by the High Court is required to be modified to the aforesaid extent.”

7 Learned counsel for the petitioners has not been able to rebut the said settled principle of law so as to deny the pensionary benefits in favour of respondent No.1.

8. As the husband of respondent No.1 has been found to be

CWP-18009-2025 (O&M)

-4-

entitled for benefit of service pension, the same would lead to entitlement of respondent No.1 for grant of benefit of family pension as per the rules governing the service.

9. No other argument has been raised.
10. Keeping in view the above, the present petition is dismissed.
11. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

November 11, 2025	(VIKAS SURI)
aarti	JUDGE
	<i>Whether speaking/reasoned : Yes</i>
	<i>Whether reportable : No</i>