



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-18829-2025 (O&M)
Decided on :07.08.2025

UNION OF INDIA AND OTHERS . .Petitioners
Versus
SMT RAJ BALA AND ANOTHER . . . Respondents

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

PRESENT: Mr. Ashish Chaudhary, Senior Panel Counsel
for the petitioner-UOI.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 01.10.2019 (Annexure P-1) passed by respondent No. 2-Armed Forces Tribunal, Regional Bench, Chandigarh, by which, the benefit of special family pension has been allowed in favour of the respondent No. 1.

2. Learned counsel for the petitioner submits that the grant of benefit of special family pension by the Tribunal, in the facts and circumstances of the present case when the death of husband of the respondent No. 1 has occurred after the period of 16 years from the date of his discharge from service due to the ailment suffered by the deceased-husband of the respondent No. 1 which was attributed to the military services, is incorrect.

3. Learned counsel for the petitioner further submits that as per the *Entitlement Rules For Casualty Pensionary Awards, 1982 (herein after referred to 1982 Rules)*, as amended in the year 2008, if a death take place after 10 years of the date of discharge/retirement of the officer, the benefit of doubt will go to the State, hence, the benefit of doubt should go to the State as per the said 1982 Rules and the impugned order dated 01.10.2019 granting the benefit of special family pension to respondent No. 1 may kindly be set-

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aside.

4. We have heard learned counsel for the petitioner and have gone through the case file with his able assistance.

5. It may be noticed that while recording the findings in the impugned order, the Tribunal has held that the death of the husband of respondent No. 1, who was invalidated from service on account of the disability suffered, which was attributed to the military service, is the same cause which has been recorded in the death certificate.

6. Learned counsel for the petitioner has not been able to dispute the said fact.

7. Once, the death of husband of respondent No. 1 is due to the disease, which is attributed to the military service, the benefit of special family pension has rightly been granted to the respondent No. 1 by the Tribunal.

8. As far as the interpretation of the 1982 Rules being brought into the operation that if the death of the officer takes place after ten years from the date the officer concerned is invalidated from the service, the benefit of doubt will go to the State, the same can only be brought in operation in case, there is a doubt with regard to the cause of the death of the officer concerned. Where, the death is due to the same ailment which has been attributed to the military service, the benefit of doubt cannot be granted to the State as, the death is due to a disease which is already attributed to the military service.

9. Keeping in view the totality of facts and circumstances of the present case, as the death of the employee concerned i.e. husband of respondent No. 1 has occurred due to the same ailment which was attributed



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to the military service, the benefit of doubt cannot be granted to the State, and hence, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

10.. Accordingly, the writ petition is dismissed.

11. Keeping in view the fact that the impugned order was passed by the Tribunal in the year 2019 and a period of six years have elapsed since then and the poor widow is being made to suffer to even get the order passed in her favour implemented. Rather, the petitioner chose to file the present writ petition at such a belated stage, hence, respondent No. 1-widow is also entitled for the cost of Rs.25,000/- to be paid by the officer who have decided to file the present writ petition from his own pocket without being reimbursed by the State.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

07.08.2025

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Whether speaking/reasoned: Yes/~~No~~

Whether Reportable: ~~Yes~~/No