



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

109

CWP-21617-2025

Date of Decision: 08.08.2025

Union of India and others

...Petitioners

Versus

Smt. Shakuntala Devi and another

...Respondents

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

Present:- Ms. Neha Jaggi, Senior Panel Counsel,
for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the order dated 04.04.2022 (Annexure P-1) passed by the Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which, respondent No.1 has been held entitled for the special family pension by recording the finding that the death of the husband of respondent No.1 was attributable to the military service.

2. Learned counsel for the petitioners argues that once the husband of respondent No.1 was on casual leave, the death which has occurred during the period of casual leave, cannot be treated as a death attributable to the military service and therefore, the finding recorded by the Tribunal that the death of the late husband of respondent No.1 is attributable



to the military service despite the fact that same has occurred during the period husband of respondent No.1 was on casual leave, cannot be said to be in accordance with the law and therefore, the impugned order is liable to be set aside.

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

4. As per the facts, the late husband of respondent No.1 was granted 20 days' casual leave starting from 13.06.2002 to 02.07.2002 and during the said period, he suffered from high fever and was taken to the hospital where he unfortunately died. The Tribunal has considered all the relevant facts and the rules governing the service, according to which rules, any officer on casual leave is to be treated on duty for all intents and purposes.

5. It may be noticed that as per grant of Disability Pension in Defence Service Rules, Rule 10 clearly states that casual leave is to be treated as duty period, which fact stands conceded by the petitioners.

6. Once the late husband of respondent No.1 is to be treated as on duty during the time he availed casual leave and he suffered from high fever during the said period he availed casual leaves, the same has to be attributed to the military service keeping in view the exigencies of the service. It is not a case that the death of the employee is due to any negligence on his part or for any act which cannot be related even to the military service.

6. As per the settled principle of law settled by the Hon'ble



Supreme Court of India that even when the officer is on leave, the facts are to be noticed whether the cause of death can be attributed to the military service or not. The relevant paragraph No.36 (e) of the judgment in ***Union of India vs. Dharambir Singh, (2020) 14 SCC 582*** is as under:-

“36. (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.”

8. Keeping in view the totality of the circumstances, the findings which have been recorded by the Tribunal to grant respondent No.1 the benefit of special family pension by treating that the death of her husband was attributable to the military service while he was on duty, are correct.

9. Hence, in the absence of any perversity being pointed out in the impugned order dated 04.11.2022 (Annexure P-1) either on the basis of the facts or the settled principle of law, no ground is made out for any



interference by this Court. Accordingly, the writ petition is dismissed.

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

(HARSIMRAN SINGH SETHI)
JUDGE

August 08, 2025
harish

(VIKAS SURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No