



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

208

(1)

LPA-2113-2017

Date of Decision: 26.11.2025

Pushp Lata

....Appellant

Versus

Bharat Petroleum Corporation Limited and others

....Respondents

(2)

LPA-2116-2017

Pushp Lata

....Appellant

Versus

Bharat Petroleum Corporation Limited and others

....Respondents

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

Present: Mr. Kamal Sehgal, Senior Advocate with
Mr. Charanji Lal, Advocate
Mr. Ravinder Pankaj, Advocate
Mr. Anurag Mor, Advocate
for the appellants.

Mr. Raman Sharma, Advocate
for respondent No.1.

Mr. Satya Pal Jain, Additional Solicitor General of India with
Ms. Gurmeet Kaur Gill, Senior Panel Counsel
for respondents No.2 and 3 – UOI.

Mr. Vipin Mahajan, Senior Advocate with
Mr. Amit Gupta, Advocate
for respondent No.5.



*LPA-2113-2017 (O&M) and
LPA-2116-2017 (O&M)*

-: 2 :-

Harsimran Singh Sethi, J. (Oral)

1. Both the appeals, the details of which are mentioned in the heading, involve common point of law and common set of facts, hence, they are being dealt together. For the sake of convenience, the facts are being taken from LPA No.2113 of 2017.

2. In the present appeal, the challenge is to the order dated 05.09.2017 passed in CWP-12895-2014 by the learned Single Judge wherein, the writ petition filed by respondent No.5 – Seema Devi to the extent that the appellant is being treated eligible in clause (i) under the Defence Personnel Category, has been held to be bad so as to treat Seema Devi being having the highest priority for the grant of LPG distributorship in pursuance to the advertisement (Annexure P-2). Certain facts need to be noted for the correct appreciation of the issue in hand.

3. A notice for appointment of the LPG distributorship was issued by the Bharat Petroleum Corporation Limited (BPCL) and only women were made eligible to apply for the same. As per the advertisement, copy of which has been annexed as Annexure P-2, under the Defence Personnel Category, a priority list was framed for considering the claim of the eligibles. The top most priority was given to the widow/dependents of the Posthumous Gallantry Award winners after which, the war widows and dependents of those Soldier, who died in war was made eligible. There were other categories also but in the present litigation, these are only the two categories, which are relevant for the purpose of adjudicating the claim of the appellant as well as respondent No.5



*LPA-2113-2017 (O&M) and
LPA-2116-2017 (O&M)*

-: 3 :-

– Seema Devi.

4. The appellant applied in the category of widows/dependents of the Posthumous Gallantry Award winners as her son, who died while fighting the terrorists in Jammu and Kashmir, was given Ashok Chakra. Respondent No.5 – Seema Devi is the widow of Vikrant Singh, who also died while fighting the terrorists in Jammu and Kashmir, but as he was not given any award, she claimed the benefit of category No.(ii), i.e. war widows/dependent of those who died in war.

5. After adjudicating the claim of all who applied in Defence Personnel Category, the BPCL released a select list wherein, Pushp Lata, appellant was placed at Sr. No.1, respondent No.5 – Seema Devi was placed at Sr. No.2 and one Surender Kaur was placed at Sr. No.3. The said merit was challenged by Seema Devi on the ground that appellant – Pushp Lata w/o of Shri Jaimal Singh could not have been treated eligible under category (i) and therefore, she should be ousted from the zone of consideration and Seema Devi being next, should be treated as the first eligible to be granted the LPG distributorship. Similarly, Surender Kaur also challenged the placement of appellant Pushp Lata and Seema Devi at Serial Nos.1 and 2 respectively over her by filing a writ petition. The appellant also preferred a writ petition that keeping in view the merit adjudicated by the BPCL, wherein she has been placed as Sr. No.1, she should be allotted the LPG distributorship at the earliest.

6. All the three writ petitions came up for consideration before the



*LPA-2113-2017 (O&M) and
LPA-2116-2017 (O&M)*

-: 4 :-

learned Single Judge and were decided by the impugned order dated 05.09.2017.

7. The learned Single Judge held that the consideration of the claim of the appellant Pushp Lata herein in category (i) of Defence Personnel Category which is to the exclusion of the other categories, is not correct as she cannot be treated as a dependent upon the Posthumous Gallantry Award winner, who was her son on the ground that she was to be treated dependent upon her husband, who was also an Army Officer drawing pension instead of her son.

8. The writ petition filed by Surender Kaur was also dismissed and the writ petition filed by Seema Devi that she should be considered at Sr. No.1 in the merit to the exclusion of the others was allowed. Keeping in view the order passed by the learned Single Judge in the case of Seema Devi, writ petition filed by the appellant has rendered infructuous. Appellant has preferred the present appeal against the order dated 05.09.2017 passed by the learned Single Judge.

9. The Learned Senior Counsel for the appellants argues that the learned Single Judge has not appreciated the facts correctly as, the claim of the appellant was very much covered in category (i) of Defence Personnel Category and therefore, the said judgment of the learned Single Judge may kindly be set aside.

10. The Learned Senior Counsel for the appellants further submits that once the Army Authorities have treated her dependent upon her late son,



*LPA-2113-2017 (O&M) and
LPA-2116-2017 (O&M)*

-: 5 :-

the BPCL or this Court cannot substitute the said opinion of the Army Authorities, which was material fact so as to grant the relief to Seema Devi to be treated as the first eligible to be granted the LPD distributorship by the learned Single Judge.

11. The Learned Senior Counsel appearing on behalf of respondent No.5 – Seema Devi submits that the learned Single Judge has only appreciated the facts and then put into operation to adjudicate whether, under such facts and circumstances appellant Pushp Lata can be treated as a dependent upon her son to be treated in category (i) of Defence Personnel Category so as to exclude of the other candidates and the findings of the learned Single Judge are correct, hence the present appeal may kindly be dismissed.

12. The learned counsel appearing on behalf of respondent No.1 – BPCL submits that the judgment passed by the learned Single Judge has already been accepted qua the findings given as there is no challenge to the same.

13. We have heard the learned counsel appearing on behalf of the respective parties and have gone through the case file with their able assistance.

14. The question which arise for consideration is whether, the claim of the appellant can be considered in category No.(i) of Defence Personnel Category as advertised, which is as under:-

“b) *DEVENCE PERSONNEL CATEGORY (DC).*

Defence Personnel means personnel of armed forces (viz. Army, Navy, Air Force) and will cover widows/dependents of



*LPA-2113-2017 (O&M) and
LPA-2116-2017 (O&M)*

-: 6 :-

those who died in war, war disabled/disabled on duty, widows/dependent of those members of Armed/Forced who died in harness due to attributable cause and disabled in peace due to attributable causes. Following is inter-se priority for DC category

- (i) Widows/dependents of posthumous gallantry award winner.*
- (ii) War Widows/dependents of those who died in war.*
- (iii) War disabled/disabled on duty.*
- (iv) Widows/dependent of those who dies in harness due to attributable causes.*
- (v) Disabled in peace due to attributable causes.*

Candidate applying under this category should produce eligibility certificate issued from Directorate General of Resettlement (DGR), Ministry of Defence and Government of India sponsoring the candidate for the distributorship for which he/she has applied. Certificate of eligibility issued for one distributorship is not valid for another distributorship and therefore a candidate can be considered to be eligible only if he/she has been sponsored for the particular location with reference to current advertisement.

15. A bare perusal of the above reproduction would show that in order to come under category (i), the widows of the officers who were granted Posthumous Gallantry Award are eligible. Even the dependents of such gallantry award winners are also included.

16. Shri Janmej Singh, i.e. the husband of the appellant Pushp Lata is a retired Army Officer, who was getting pension at the time of the death of his son namely late Lieutenant Triveni Singh, who laid down his life for the



*LPA-2113-2017 (O&M) and
LPA-2116-2017 (O&M)*

-: 7 :-

country.

17. The question which arise is whether, in the facts brought on record, the appellant is to be treated dependent upon her husband Janmej Singh or is to be treated dependent upon her late son Triveni Singh keeping in view the facts and circumstances of the present case, so as to be treated eligible under category No.(i) of Defence Personnel Category.

18. Once, the husband of the appellant namely Janmej Singh was alive and he was already getting pension even during the survival of Triveni Singh, the mother could only be treated dependent upon her husband and not upon her son in the facts and circumstances of the present case. Hence, the order passed by the learned Single Judge treating the appellant as not dependent upon her son so as to oust her from the said category is perfectly valid and legal keeping in view the facts and circumstances of the present case.

19. As far as the argument of the Learned Senior Counsel for the appellant that there is a certificate which has been given by the Army Authorities wherein, the appellant has been treated as dependent upon her son, copy of which certificate dated 28.01.2008 has been appended as Annexure R-5/6, she has to be treated as eligible in category No.(i) of Defence Personnel Category.

20. It may be noticed that in Annexure R-5/6 it has been mentioned that Pushp Lata is a dependent upon late Triveni Singh and is eligible for LPG distributorship but nothing has been mentioned as to how even the Ministry of



*LPA-2113-2017 (O&M) and
LPA-2116-2017 (O&M)*

-: 8 :-

Defence is treating the mother, who is survived by her husband, to be treated as the dependent upon her son, keeping in view the regulation which defines the term dependent qua the grant of pension to dependent parents of unmarried son, who die while in service.

21. Further, it may be noticed that as per the eligibility prescribed, only the dependents of Posthumous Gallantry Award winner are eligible and in the present case, as the advertisement is meant for only females, the mother, i.e. the appellant Pushp Lata has claimed the said benefit. The question is whether, Pushp Lata can be treated as dependent upon her son or not.

22. As per the Pension Regulations for the Army, Part-I (2008), Regulation 70 deals with the ordinary family pension to the dependent parents. The said pension is only admissible to the parents who are dependent upon the service personnel when he/she was alive, provided that the deceased had not been left behind any widow or child. The said Regulation 70 of the Pension Regulations for the Army, Part-I (2008), is as under:-

“70. Parents who were wholly dependant on the service personnel when he was alive, provided the deceased had left behind neither a widow nor child may be granted ordinary family pension for life at normal rate as admissible under Regulation 64 (a) of these Regulations subject to the condition that their earning is not more than Rs.2550/- per month from all sources including pay, pension or self employment.”

23. A bare perusal of the above would show that in order to be a dependent parent, the earning of such parents should not be more than Rs.2550/- per month from all sources including pay, pension and self



*LPA-2113-2017 (O&M) and
LPA-2116-2017 (O&M)*

-: 9 :-

employment. Nothing has been shown to this Court that appellant Pushp Lata along with her husband were not earning more than Rs.2550/- per month to be treated as a dependent parents upon her son so as to be included in category (i) of Defence Personnel Category, reproduced hereinbefore. Rather, after the death of the son of appellant No.1, along an award, a pension is being paid, which is also being claimed by Pushp Lata as the same is being deposited in the joint account, which is a conceded fact before this Court. Once, Pushp Lata has not been able to show that earning of the parents were not more than Rs.2550/- per month, she could not be treated as a dependent upon her son, even for the grant of normal pension after the death of Triveni Singh, her son. Once, the pension cannot be paid to the appellant being dependent upon her son, claiming the benefit of category (i) of Defence Personnel Category by projecting her to be dependent upon her son, cannot be accepted. Further, it is a conceded fact that husband of the appellant is a retired Army officer already getting a pension even prior to the death of her son hence, parents of late Triveni Singh cannot be treated as dependent upon him even for the grant of normal pension, then how appellant can be treated as dependent upon her son so to be eligible for the grant of LPG distributionship. Hence, though the Army authorities had given a certificate of dependency on 28.01.2008 but, nothing has come on record how the same has been given despite Regulation 70, reproduced hereinbefore.

24. Not only this, it may be noticed that on the same issue qua the dependency of Pushp Lata upon her son, the RTI information, which has



*LPA-2113-2017 (O&M) and
LPA-2116-2017 (O&M)*

-: 10 :-

already been brought on record wherein, it has been mentioned by the Army Authorities that where the father of deceased Soldier is alive and is a pensioner, mother of such deceased Soldier cannot be treated as dependent upon her son, which fact has not been controverted by the Learned Senior Counsel for the appellant except the argument that dependent certificate has not been cancelled so far.

25. Keeping in view the contradictory affidavits which have been given by the Army authorities, this Court is of the view that certificate dated 28.01.2008 cannot be given benefit of in view of Regulation 70 of the Pension Regulations for the Army, Part-I (2008), as well as the RTI information given qua the eligibility of a mother to be treated as dependent, who was having income of more than Rs.2550/- per month and her husband is alive getting pension.

26. The fact which is being taken into consideration by this Court is that when the husband is alive, the wife is to be treated dependent upon the husband especially when the husband has an income to support his wife which is more than Rs.2550/- per month. It is only in the case, the appellant's husband is not having any income or less than Rs.2550/- per month, she could be treated dependent upon her son, but whereas the facts says otherwise which are conceded that the husband of the appellant is not only getting his regular pension from the Army which is more than Rs.2550/- per month but is also getting the award pension after the death of her son. Hence, the view taken by the learned Single Judge that the appellant cannot be treated as dependent



***LPA-2113-2017 (O&M) and
LPA-2116-2017 (O&M)***

-: 11 :-

upon her late son so as to be included in category (i), is perfectly valid and legal and is in consonance with the law.

27. No other argument has been raised.

28. Keeping in view of the above, no ground is made out for any interference by this Court in the facts and circumstances of the present cases.

29. Accordingly, the appeals are dismissed.

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

31. A photocopy of this order be placed on the file of connected case.

**(HARSIMRAN SINGH SETHI)
JUDGE**

**(VIKAS SURI)
JUDGE**

November 26, 2025

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No