



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

128

CWP-25959-2025

Date of Decision: 02.09.2025

UNION OF INDIA AND OTHERS

...Petitioners

Versus

SMT DARSHAN KAUR AND ANOTHER

...Respondents

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

Present:- Mr. Narender Kumar Vashist, Senior Panel Counsel,
for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the order dated 27.04.2023 (Annexure P-1) passed by the passed by respondent No. 2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which, the benefit of Special Family Pension instead of Ordinary Family Pension from 19.05.2007 has been allowed in favour of respondent No.1-the mother of the deceased, on the ground that the same is perverse.

2. Learned counsel for the petitioners argues that the son of respondent No.1 was enrolled in the Army on 05.09.2003 and died on 18.05.2007 due to cardiac arrest, hepatic laceration and blunt injuries suffered in the abdomen. Though the same were held to be attributable to the military service by the Station Commander as well as 'Court of Inquiry' but



as there was no connection of death and military service, the Principal Controller of Defence Accounts (Pension), Allahabad, has rightly rejected the benefit of Special Family Pension, which order passed by the authorities has been set aside by the Tribunal while granting the Special Family Pension which is incorrect and the impugned order 27.04.2023 (Annexure P-1) passed by the Tribunal may kindly be set aside.

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

4. Once, after the death of the son of respondent No.1, the Court of Inquiry was conducted and the issue of death was investigated and a finding has been recorded that the death of the son of respondent No.1 was attributable to the military service, the authorities sitting in Allahabad cannot override the finding of the Court of Inquiry so as to hold that there was no relation between the military service and the cause of death. Once the Court of Inquiry has been held by the military authorities itself and a finding is recorded in the favour of respondent No.1, the same finding could not have been overlooked and ignored by the another authority so as to deny the benefit of Special Family Pension. The finding of the Court of Inquiry, which is based upon the fact and evidence, has to be given effect to, hence the finding recorded by the Tribunal that respondent No.1 is entitled for Special Family Pension is valid.

5. No other argument has been raised.

6. Keeping in view the totality of the circumstances and in the



absence of any perversity being pointed out in the impugned order dated 27.04.2023 (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 in the facts and circumstances of the present case.

- 7. Accordingly, the writ petition is dismissed.
- 8. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 02, 2025
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Whether speaking/reasoned	Yes
Whether reportable	No