



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

124

CWP-26955-2025

Date of Decision: 10.09.2025

UNION OF INDIA AND OTHERS

...Petitioners

Versus

SMT MANDEESH BARACH AND ANR

...Respondent

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

Present:- Mr. Sushant Kareer, Senior Panel Counsel,
for the petitioners. (Through V.C.)

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the order dated 03.10.2023 (Annexure P-1) passed by the Armed Forces Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'Tribunal') by which respondent No.1 has been held to be entitled for the grant of family pension from the date she had made application for the grant of the same on 24.06.2013, which is incorrect.

2. Learned counsel for the petitioners submits that by the time application for grant of family pension was made, as the parents of the respondent No.1 had already died and therefore, the claim of respondent No.1 for grant of family pension was not covered under the policy/instructions dated 17.11.2017 and therefore, the grant of the said benefit of family pension by the Tribunal is incorrect.

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



4. Certain facts needs to be mentioned for the correct appreciation of the issue involved in the present writ petition.

The father of respondent No.1 retired from the military service in the year 1996 and was granted the benefit of service pension. After the retirement, respondent No.1 got married on 02.05.1996 but got divorced on 12.02.1999 during the said period her father was surviving. Unfortunately, the father of respondent No.1 died on 30.11.1999, after which, the benefit of family pension was granted to the mother of respondent No.1, who also unfortunately passed away on 15.07.2000. After this period, respondent No.1 became entitled for the grant of family pension as she was a divorced daughter, which fact has gone unrebutted.

Though no benefit of family pension was allowed in favour of respondent No.1 starting from 16.07.2000 she again got married on 25.10.2002 but the said marriage also failed and resulted into divorce decree on 13.07.2005, after which, the application was made by respondent No.1 for the grant of family pension on 24.06.2013. The said application was rejected by the petitioners by placing reliance upon the instructions dated 17.11.2017 on the ground that at the time of the divorce of daughter, one of the parents should be surviving so as to grant the benefit of family pension to such daughter.

5. It may be noticed that the said instructions dated 17.11.2017 will not come into play qua claim of respondent No.1 for two reasons. Firstly, that the claim was raised by respondent No.1 much prior to the



issuance of instructions dated 17.11.2017 and second, nothing has come on record to show that the said instructions are to be made applicable retrospectively even qua the claim raised in the year 2013 which is much before issuance of the said policy. Hence, the said instructions could not have been brought into operation while deciding the claim of respondent No.1.

6. Further, in the present case, the respondent No.1 became entitled for the grant of family pension on 16.07.2000 being a divorced daughter after her mother died. The petitioner-UOI did not grant her the family pension at that time and in the meantime, respondent No.1 got married again. Her second marriage got solemnized on 25.10.2002, which marriage took away her right of family pension but after said marriage resulted into divorce on 13.07.2005 hence, her earlier claim for family pension, for which she became entitled on 16.07.2000 stood revived, which fact has been ignored by the petitioners in the facts and circumstances of the present case. Once, upon the second divorce of respondent No.1 on 13.07.2005, the initial claim of respondent No.1 for family pension which accrued to her on 16.07.2000, at which point of time she was a divorcee and her mother was alive, stood revived on 14.07.2005, which fact has gone un rebutted hence, the grant of benefit of family pension, which has been allowed in favour of respondent No.1, has been rightly allowed by the Tribunal.

7. Further, the family pension has only been allowed from the date



of application made by respondent No.1 for grant of said benefit, which takes care of the delay of raising the same. Hence, as no perversity in the order 03.10.2023 (Annexure P-1) passed by the Tribunal is pointed out, no interference is called for by this Court.

8. The writ petition is dismissed accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 10, 2025
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Whether speaking/reasoned	Yes
Whether reportable	No