



CWP-32936-2024

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

(231)

CWP-32936-2024

Date of Decision : November 13, 2025

Union of India and others

.. Petitioners

Versus

Kamla and another

.. Respondents

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

Present: Mr. Angel Walia, Advocate, for the petitioners.

Mr. Arshit Goel, Advocate, for respondent No.1.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 08.01.2018 (Annexure P-1) passed by respondent No.2- Armed Forces Tribunal (Regional Bench), Chandigarh (hereinafter referred to as 'the Tribunal') by which, the benefit of special family pension has been extended in favour of respondent No.1.

2. Learned counsel for the petitioner argues that the husband of respondent No.1 joined the Army on 18.12.1961 and worked for 15 years upto 31.12.1976 and at the time when he was released, his disability of 'Ashthamatice' was assessed by the Release Medical Board @ 20%, which disability was assessed to be attributable to the military service on which ground he was granted the benefit of disability pension but nothing has come on record to show that the death of late husband of respondent No.1 also occurred due to the said disability.

3. Mr. Arshit Goel, Advocate has put in appearance on behalf of respondent No.1 and filed his memo of appearance. He submits that the death occurred due to 'Chronic Obstruction Pulmonary Disease' which is related to the disability 'Ashthamatice' which disability was suffered by the late husband of respondent No.1 while being in service on the ground of which he was granted the benefit of disability pension and therefore, the grant of special family pension in favour of respondent No.1 by the Tribunal is valid.

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4. We have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Once, it is a conceded fact that the late husband of respondent No.1 was granted the benefit of disability pension due to the disability of 'Asthmatic' which disability was concededly suffered by late husband of respondent No.1 during his service career and same was assessed to be attributable to the military service even by the petitioners hence, upon his death relating and caused due to the same disease, the benefit of special family pension has to be accorded. The same has rightly been accorded by the Tribunal by placing reliance upon relevant regulations governing army service. The grant of the said benefit has not been perverse either on facts or on law.

6. Even otherwise, as per Rule 1 (a) of Entitlement Rules, 1982 in case an army personnel dies within a period of 10 years of discharge from service, which is due to the disability suffered by such personnel in service, the death has to be treated as disease attributable to the military service hence, on this account also, the grant of the benefit of special family pension in favour of respondent No.1 is perfectly valid as death of husband of respondent No.1 occurred within a period of 10 years of his release.

7. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

8. Accordingly, the writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

November 13, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No