



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

107

CWP-36826-2025

Date of Decision: 24.12.2025

UNION OF INDIA AND ORS

...Petitioners

Versus

SMT HARJINDER KAUR AND ANOTHER

...Respondents

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

Present:- Mr. Ramesh Chand Sharma, Senior Panel Counsel,
for the petitioners.

Ms. Roopan Atwal, Advocate and
Mr. Rajat Chauhan, Advocaes, for respondent No.1.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the impugned order dated 20.03.2024 (Annexure P-1) passed by respondent No. 2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which, respondent No.1 has been granted the benefit of special family pension keeping in view the death of her husband while on duty.

2. The only argument raised by the learned counsel appearing for the petitioners is that the husband of respondent No.1 joined the Army service under the petitioners on 09.07.1969 and died due to 'Coronary Occlusion Heart Block' on 10.10.1992 hence, the death of the officer cannot be attributed to military service so as to grant the benefit of special family



pension to the wife of the soldier i.e. respondent No.1 and therefore, order dated 20.03.2024 (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 case file with his able assistance.

4. The Tribunal has placed reliance upon the judgment passed by Hon'ble Supreme Court of India in **Dharamvir Singh versus Union of India and others, (2013) 7 SCC 316**, while considering the issue and held that the death of the husband of respondent No.1 is attributable to the military service. Keeping in view the fact that the husband of respondent No.1 performed the duties with Indian Army for a period more than 23 years and at the time of his recruitment, he was found to be fit and not suffering from any such disease which ultimately was the cause of his death, the same has to be attributed to the military service. The relevant para Nos. 30 and 32 of the judgment in **Dharamvir Singh's** case (supra) are as under:-

“30. In the present case it is undisputed that no note of any disease has been recorded at the time of appellant's acceptance for military service. The respondents have failed to bring on record any document to suggest that the appellant was under treatment for such a disease or by hereditary he is suffering from such disease. In absence of any note in the service record at the time of acceptance of joining of appellant it was incumbent on the part of the Medical Board to call for records and look into the same before coming to an opinion that the disease could not have been detected on medical examination



prior to the acceptance for military service, but nothing is on the record to suggest that any such record was called for by the Medical Board or looked into it and no reasons have been recorded in writing to come to the conclusion that the disability is not due to military service. In fact, non-application of mind of Medical Board is apparent from Clause (d) of paragraph 2 of the opinion of the Medical Board, which is as follows:

“(d) In the case of a disability under C the board should state what exactly in their opinion is the cause thereof. YES Disability is not related to mil service”

32. In spite of the aforesaid provisions, the Pension Sanctioning Authority failed to notice that the Medical Board had not given any reason in support of its opinion, particularly when there is no note of such disease or disability available in the service record of the appellant at the time of acceptance for military service. Without going through the aforesaid facts the Pension Sanctioning Authority mechanically passed the impugned order of rejection based on the report of the Medical Board. As per Rules 5 and 9 of 'Entitlement Rules for Casualty Pensionary Awards, 1982', the appellant is entitled for presumption and benefit of presumption in his favour. In absence of any evidence on record to show that the appellant was suffering from "Generalised seizure (Epilepsy)" at the time of acceptance of his service, it will be presumed that the appellant was in sound physical and mental condition at the time of entering the service and deterioration in his health has taken place due to service.”

5. Furthermore, the Tribunal has also placed reliance on Rule



20(a) of ‘Entitlement Rules for Casualty Pensionary Awards, 1982’ and Regulation 213 of the Pension Regulations for the Army, 1961 so as to grant special family pension to respondent No.1. As the ailment of ‘Coronary Occlusion Heart Block’ suffered by the husband of respondent No.1 qualify the criteria of special family pension of being attributed to military service under Regulation 213 of the Pension Regulations for the Army, 1961, the benefit of special family pension is valid, which fact has gone unrebutted at the hands of the petitioners.

6. Learned counsel for the petitioners has not been able to prove that the benefit so granted is perverse to the rules governing the issue by the settled principle of law.

7. No other argument has been raised.

8. Hence, in the absence of any perversity being pointed out in the impugned order dated 20.03.2024 (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.

9. Accordingly, the writ petition is dismissed.

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

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

December 24, 2025
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Whether speaking/reasoned	Yes
Whether reportable	No