



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

CWP-37585-2025

Date of Decision: 24.12.2025

UNION OF INDIA AND ORS

...Petitioners

Versus

SMT SUMAN WIFE OF NO 14825438Y AND ANOTHER

...Respondents

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

Present:- Mr. Karan Kumar Jund, Senior Panel Counsel,
for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the impugned order dated 19.12.2022 (Annexure P-1) passed by respondent No. 2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which, respondent No.1-widow of the deceased army personnel has been granted the benefit of special family pension by treating the death of husband of respondent No.1 as attributable to military service.

2. The only argument which has been raised against the order dated 19.12.2022 (Annexure P-1) is that respondent No.1, who is the widow of officer concerned, should not have been granted the benefit of special family pension, as the death of the officer concerned occurred due to *cerebral haemorrhage* while he was availing his causal leave and as such, when he was not on active duty, any injury/fatal injury suffered while not having on active duty, cannot be said to be either attributable to or



aggravated by military service. Hence, the Tribunal failed to appreciate the said fact while granting the benefit of special family pension to respondent No.1.

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

4. Two issues surface from perusal of the paper-book and impugned order along with the arguments of learned counsel for petitioner, which have been duly heard. Firstly, that whether the death of husband of respondent No.1 can be said to be attributable to military service rendered by him and secondly, that whether the death which has occurred during the time he was availing casual leave, would that death be still considered as attributable to military service so as to grant the benefit of special family pension to respondent No.1.

5. Qua the first issue, it shall be noted that the death of husband of respondent No.1 was due to *cerebral haemorrhage*. It shall be noted that said cause of death is due to the stress and strain caused during the time he was rendering his service and a result of stress and strain caused to a person is high blood pressure, which is considered as a root cause of *cerebral haemorrhage*, which was ultimately the cause of death of husband of respondent No.1. As per appendix II, para B of 'Entitlement Rules for Casualty Pensionary Awards, 1982', it has been noted in the classification of diseases that stress and strain is cause of *cerebral haemorrhage* among other diseases. Once the stress and strain caused during military service which



may be due to various factor including but not limited to food, area of posting, arduous nature of job, is to be treated as cause of high blood pressure, which further is to be treated as cause of *cerebral haemorrhage*, which was the cause of death of husband of respondent No.1, the said death is to be treated as attributable to military service by the Tribunal, especially when the husband of respondent No.1 was fit at the time of joining the military service.

6. As far second issue that whether the death of husband of respondent No.1, which death occurred during the time he was availing causal leave, whether same would be considered as attributable to military service or not? Qua the said issue, it shall be noted that it is immaterial that whether the death occurred was during the time he was in active service duty or not, as the only aspect is to be seen that whether he was still in service at that time or not? In the present case, it is a conceded position that death of husband of respondent No.1 occurred during the time he was in service and the argument of the learned counsel for petitioner that since he was on causal leave, the death caused is not to be treated as attributable to military service stands defeated.

7. Even otherwise, as per rules governing the service and settled principle of law, any personnel on casual leave, he is to be treated as on duty, which fact/Regulation has been gone un rebutted at the hands of the petitioners. Hence, the grant of benefit of special family pension in favour of respondent No.1 is correct.



8. No other argument has been raised.
9. Keeping to the totality of the circumstances and the settled principle of law noted herein before, the grant of the benefit of special family pension in favour of respondent No.1 in the facts and circumstances of the present case as well as coupled with the settled principle of law noted herein before, cannot be treated as perverse either to the fact or settled principle of law so as to need any interference by this court. 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