



2025:DHC:987-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 17.02.2025

+ W.P.(C) 2007/2025

UNION OF INDIA & ORS.

.....Petitioners

Through: Mr. P.S. Singh (C.G.S.C), Mr.
Rohit Singh Lodhi, Adv.

versus

SMT RAMA BHANDARI

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

SHALINDER KAUR, J. (ORAL)

CM APPL. 9464/2025

1. Allowed, subject to all just exceptions.

W.P.(C) 2007/2025, CM APPL. 9463/2025

2. The present petition has been filed by the Petitioners, assailing the Order dated 31.05.2023 passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi ("Tribunal") in Original Application ("OA") No. 488 of 2019 titled *Smt. Rama Bhandari Vs. Union of India & Ors*, and seeking the following reliefs:-

"a. Stay the operation of the Order dated 31.05.2023 passed by the Ld. Armed Forces Tribunal, Principal Bench, New Delhi in Original Application No. 488 of 2019 titled as "Smt Rama Bhandari Vs. Union of India & Ors.";



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b. Issue a Writ or direction in the nature of Certiorari, setting aside the Order dated 31.05.2023 passed by the Ld. Armed Forces Tribunal, Principal Bench, New Delhi in Original Application No. 488 of 2019 titled as "Smt Rama Bhandari Vs. Union of India & Ors."; and / or
c. Pass any other and further order(s) this Hon'ble Court may deem fit and proper in the interest of justice."

BRIEF FACTS

3. The facts necessary for disposal of writ petition are that F.Lt. Col. G. S. Bhandari, late husband of the Respondent was initially enrolled as an Other Rank ("OR") in the Garhwal Rifles regiment of Indian Army on 16.07.1962. At the time of joining, he was medically examined and declared 'Fit'. Consequently, he was placed under the medical category of 'SHAPE-1'. He was later commissioned as a Second Lieutenant in June, 1968, and later promoted to the rank of Lieutenant Colonel. He was last posted at HQ MPBO Area, Jabalpur as Assistant Director Supply and Transport ("ADST"), which entailed handling of coal and petroleum products.
4. In 1990-91, during his posting in Jabalpur, he suffered from lower back pain for approximately six months. Upon medical examination, he was initially treated for simple backache. However, after being referred to the Tata Institute of Medical Sciences, Mumbai, he was diagnosed with Adenoid Carcinoid Kidney Cancer and was subsequently reposted to INS Asvini in Mumbai, on advice, for medical treatment. He was later transferred to the Command Hospital, Pune, where he passed away on 12.05.1991 due to Kidney Cancer.
5. The Respondent was granted Family Pension on 18.09.1991,



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which included, grant of ₹1,500 per month from 13.05.1991 to 12.05.1998, ₹750 per month from 13.05.1998 till widowhood, relief on pension at 51% from 13.05.1991 and a death gratuity of ₹1,00,000.

6. The Respondent submitted representations dated 13.11.2018 and 02.02.2019 seeking the grant of Special Family Pension (“SFP”). The Petitioners, however, rejected the representations, *vide* letter No. 12681/IC-19624/T-5/MP-5(b) dated 11.03.2019, on the ground of the same being time-barred. Subsequently, the Respondent addressed a letter on 11.03.2019 to the Chief of the Army Staff for grant of SFP. The same, however, was not replied to.

7. The Respondent, therefore, filed the above mentioned OA bearing no. 488 of 2019 titled ***Smt. Rama Bhandari vs. Union of India and Ors.***, before the learned Tribunal.

8. The learned Tribunal allowed the claim in favour of the Respondent *vide* the Impugned Order. The Petitioners sought leave from the learned Tribunal to appeal under Section 31(1) of the Armed Forces Tribunal Act, 2007, which was rejected.

9. Aggrieved by the learned Tribunal's Order, the Petitioners have approached this Court invoking the jurisdiction under Article 226 of the Constitution of India.

SUBMISSIONS ON BEHALF OF THE PETITIONER

10. Mr. P.S. Singh, CGSC for the Petitioners submits that the Impugned Order is erroneous and unsustainable in law as the Respondent had already been granted all the pensionary benefits of her deceased husband and nothing remains due thereafter. He submits



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that the learned Tribunal failed to appreciate that once the Respondent has accepted that all her claims as settled by the Petitioners in the year 1991, without any protest, she cannot claim any further after a period of about 27 years. He submits that the claim of the Respondent is time barred as she has made the representations after almost 27 years from the death of her husband.

ANALYSIS & FINDINGS

11. At the outset, we observe that the present petition deserves to be dismissed on the grounds of delay and laches alone. The Impugned Order has been passed by the learned Tribunal on 31.05.2023, while the present petition has been filed only in 2025. However, we have also considered the merits of the claim of the petitioner against the Impugned Order of the learned Tribunal.

12. Having considered the factual matrix, submissions of the Petitioners, and perused the record, we find that the only issue arising before this Court for consideration is whether the Respondent is not entitled for SFP, as granted by the learned Tribunal.

13. From the perusal of the record, we may note that the late husband of the Respondent was diagnosed with Atenoid Carcinoid Kidney Cancer and he died while in service due to the said ailment. His death occurred while he was performing the duties of Assistant Director, Supply and Transport (“ADST”) at MPBO area, which entailed handling of coal and petroleum products.

14. We may further note that the learned Tribunal has considered the claim of the Petitioner on the basis of Guide to Medical Officers



(Military Pension), 2002, and while referring to paragraph 10(A)(i), the learned Tribunal observed that the malignancies will be considered attributable to service in case of any personnel, who contracts Cancer and who are exposed to chemical especially petroleum products and other chemicals. Thus, the learned Tribunal correctly held that the death of late husband of the Respondent is attributable to Military service and that her late husband falls under Category-B of the Government of India, Ministry of Defence letter dated 31.01.2001.

15. In this regard, it would be apposite to reproduce the extract from the aforesaid letter dated 31.01.2001 issued by Ministry of Defence, Government of India:

**“PART II – PENSIONARY BENEFITS ON
DEATH / DISABILITY IN ATTRIBUTABLE /
AGGRAVATED CASES**

4.1 For determining the pensionary benefits for death or disability under different circumstances due to attributable/ aggravated causes, the cases will be broadly categorised as follows:-

... ..

Category B

Death or disability due to causes which are acceptable as attributable to or aggravated by military service as determined by the competent medical authority. Disease contracted because of continued exposure to a hostile work environment, subject to extreme weather conditions or occupational hazards resulting in death or disability would be examples.”

**PART III-FAMILY PENSIONARY BENEFITS
IN ATTRIBUTABLE/AGGRAVATED CASES**

5. Special Family Pension (SFP)

5.1 In case of death of an Armed Forces Personnel under the Circumstances mentioned in category "B"



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or "C" of Para 4 above, Special Family Pension shall continue to be admissible to the families of such personnel under the same conditions as in force hithertofore. There shall be no condition of minimum service on the date of death for grant of Special Family Pension.

16. The learned Tribunal has, therefore, correctly considered the claim of the Respondent and we do not find any infirmity in the Impugned Order of the learned Tribunal so as to warrant an interference, therewith, in exercise of our powers under Article 226 of the Constitution of India.

17. For the aforesaid reasons, we find no merit in this petition, which is accordingly dismissed.

SHALINDER KAUR, J

NAVIN CHAWLA, J

FEBRUARY 17, 2025

SU/kp/IK

Click here to check corrigendum, if any