

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CM No. 118/2025
WP (C) No. 420/2024

Pronounced on: 01.04.2026

Uploaded on: _____

Union of India and others

.... Petitioner/Appellant(s)

Through:- Mr. Vikas Sharma, CGSC

V/s

Dharam Chand

.....Respondent(s)

Through:- Mr. Amit Singh, Advocate

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER (ORAL)

CM No. 118/2025

1. This is an application for substitution of legal heir of deceased-Naik Dharam Chand. It is submitted that during the pendency of this petition, the respondent, namely Naik Dharam Chand, expired on 13.01.2024, leaving behind his wife, Satya Devi, as his sole legal heir entitled to family pension.
2. The application is allowed and Satya Devi is brought on record as legal representative of deceased-Naik Dharam Chand.
3. Registry to update the cause title.

WP (C) No. 420/2024

1. The issue raised in all this petition is squarely covered by and fully answered by the Honb'le Supreme Court in case titled "**Union of India and others Vs. Balakrishnan Mullikote**", 2026 SC INSC 286 in

Paragraphs 47 & 48 of the judgment (supra). It has been held that the Union of India, through the Ministry of Defence, shall determine the length of qualifying service in accordance with Paragraphs 9 & 18 of the Pension Regulations of 1961 & 2008 respectively, as well as Note 5 appended to the letter dated 30.10.1987 and, if upon determination of length of qualifying service, there remains a shortfall of one year or less, the respondents would be entitled to seek condonation of such deficiency for the purpose of pension eligibility in accordance with Paragraph 125 of the Pension Regulations, 1961, or Paragraph 44 of the Pension Regulations, 2008. The Hon'ble Supreme Court has also taken note of its earlier verdict rendered in case titled "**Union of India Vs. Surender Singh Parmar, (2015) 3 SCC 404.**"

2. In view of the aforesaid, no further adjudication on the issues raised in this petition is called for. This petition is, accordingly, disposed of, being fully covered by the judgment of **Balakrishnan Mullikote** (supra) with a direction to the Union of India to process the case of the respondent for the service element of the pension, strictly in compliance with the directions contained in the judgment of **Balakrishnan Mullikote** (supra).
3. Let the needful be done within a period of six months from today.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

Jammu:
01.04.2026
Shafqat

Whether this order is speaking: Yes/No
Whether this order is reportable: Yes/No