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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 9188 of 2026

P.Devi

..Petitioner(s)

Vs

1. Union Of India
Rep by Secretary
Ministry of Defence (MoD),
Room No.305-B Wing,
Sena Bhawan, New Delhi- 110 011.
2. The Directorate of Indian
Army Veterans, (DIAV)
Adjutant Generals Branch,
Integrate HQ of MoD (Army),
104, Cavalry Road,
Maude Lines,
New Delhi-110 010.
3. The Artillery Records (Topkhana Abhilekh)
Rep its officer in charge,
Nasik Road Camp,
PIN- 908802
C/o.56 APO.
4. Dte Gen of Arty (Arty-10)
General staff Branch
IHQ of MoD (Army)
Pin- 900 256.
5. The Legal Cell
HQ Dakshin Bharat Area
Island Ground,
Chennai-09.
6. J.Soniya



7. The Principal
Government Girls Higher Secondary School
Keel Pennathur Thiruvannamalai -604 601.

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..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India issuing writ of writ of declaration for Declaring the Para 66 of Pension Regulations for the Army 2008 (Part I) and further Letter of Ministry of Defense Government of India in Letter No.17(4) / 2008 (2) / D (PEN/ POLICY) dated 12.11.2008 are arbitrary and illegal insofar as denying pensionary benefits to the petitioner, and consequently declare that the 6th respondent is not entitled to receive any family pensionary benefit of Late LNK (OPR) P.Viji (No.15209883M), and direct the 2nd respondent to grant the said family Pensionary benefits to the petitioner as the eligible dependent mother by deputing the appropriate authority and pass appropriate orders in respect of dependability and eligibility for Family Pension.

For Petitioner(s): Mr.R.Prabakar

For Respondent(s): Ms.S.S.Meenakumary,
Senior Panel Counsel for R1 & R2

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The present writ of declaration has been instituted to declare Para 66 of Pension Regulations for the Army 2008 (Part I) and further Letter of Ministry of Defense Government of India in Letter No.17(4) / 2008 (2) / D (PEN/ POLICY) dated 12.11.2008 are arbitrary and illegal insofar as denying pensionary benefits to the petitioner, and consequently declare that the 6th respondent is not entitled to receive any family pensionary benefit of Late LNK (OPR) P.Viji (No.15209883M), and direct the 2nd respondent to grant the said



family Pensionary benefits to the petitioner as the eligible dependent mother by deputing the appropriate authority and pass orders in respect of dependability and eligibility for Family Pension.

2. Petitioner, admittedly is the mother of the deceased ex-service man.

At present, wife of the ex-service man is receiving the family pension under the Pension Regulation for Army. Regulation 66 defines “Family” as under,

“66. Family for the purpose of Regulations in this Section shall consist of the following:

(i) Wife in the case of male service personnel or husband in the case of female service personnel lawfully married before or after retirement.

(ii) A judicially separated wife or husband, such separation not being granted on the ground of adultery and the person surviving was not held guilty of committing adultery.

(iii) Unmarried daughters/unmarried sons (including those legally adopted), widowed/divorced daughters.

(iv) Parents who were wholly dependent on the service personnel when he was alive.”

3. The definition provided for the purpose of Pension Regulation is a policy decision and therefore, the petitioner cannot seek extension of any other person for within the definition of family. The interpretation of the term “Family” is elaborately dealt in the Full Bench judgment of this Court in the case of **V. Shiva vs. The Inspector General of Registration and Others**¹.

¹ 2026 (1) LW 893

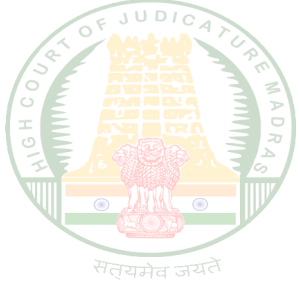


The relevant portion of the above mentioned judgment is extracted hereunder:

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“3. We have considered the submissions made by counsel on either side and given our anxious consideration to the reasoning contained in the Judgments, taking both views. We are of the view that the grandfather and grandmother cannot be deemed to be part of the term ‘Family’ as per the explanation under Article 58 (a) (i) of the Indian Stamp Act, 1899, as amended by the State of Tamil Nadu. Our reasons are as follows:

(i) The explanation contains the definition of the term ‘Family’. The term ‘Family’ has structural and functional definitions given by sociologists. It has legal definitions. Legal definitions are at variance with each other in various legislations viz., Labour Welfare Legislations such as Bonded Labour System (Abolition) Act, 1976, Child Labour Prohibition and Regulation Act, 1986, Dangerous Machines Regulation Act, 1983, Employees State Insurance Corporation (General Provident Fund) Rules, 1995, Payment of Wages (Nomination Rules, 2009), etc; Various land reform legislations such as Tamil Nadu Land reforms (Fixation of Ceiling On Land) Act, 1961, Urban Land (Ceiling and Regulation) Act, 1976, etc. It can be seen that the definitions vary as per the context and purposes of the particular statute and there cannot be any general or logical connotation. Useful reference can be made in this regard to the Judgment of the Hon’ble Supreme Court of India in K.V.Muthu Vs. Angamuthu Ammal more specifically



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in paragraph Nos.14 to 18. In the instant case, the Indian Stamp Act, 1899, being the fiscal and revenue generation law, gives its own definition for the term 'Family'. It is a legal fiction that is created by law. When fiscal statutes create legal fiction for their purposes, there is no scope for adverting to, or importing the common meaning or logical interpretation or extension of the meaning assigned in other statutes. Thus, what is defined as a 'family' is, and alone, the family, and the meaning of the same can neither be restricted nor expanded....."

4. In view of the fact that the petitioner has no locus standi to claim family pension in view of the Pension Regulation, the present writ petition is devoid of merits. However, the petitioner is at liberty to redress her grievance, if any exist in the manner known to law.

5. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (N.S.,J.)
01-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

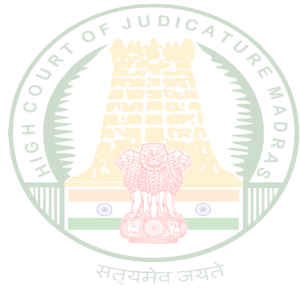
GD
To

1. Union Of India
Rep by Secretary
Ministry of Defence (MoD),
Room No.305-B Wing,
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**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

GD

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