



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

106**CWP-3201-2026 (O&M)****Decided on : 25.02.2026**

UNION OF INDIA AND ORS

..Petitioners

Versus

KAPURI AND ANR

... Respondents

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

PRESENT: Ms. Neha Jain, Advocate for the petitioners.

HARSIMRAN SINGH SETHI , J. (Oral)**CM-2214-CWP-2026**

The prayer in the present application is for placing on record the complete copy of impugned order dated 06.07.2023 as Annexure A-1.

Keeping in view the averments mentioned in the application, the same is allowed. Complete copy of impugned order dated 06.07.2023 is taken on record as Annexure A-1, subject to all just exceptions.

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1. In the present petition, challenge is to the impugned order dated 06.07.2023 (Annexure P-4) passed by respondent No.2-Armed Forces Tribunal, Regional Bench Chandigarh (in short, 'the Tribunal') by which, the benefit of family pension has been allowed in favour of the widow daughter -respondent No. 1 of the deceased employee.
2. Learned counsel for the petitioners submits that though the mother of respondent No. 1/wife of deceased employee died in the year 2004 and at that time respondent No. 1 was not a widow as her spouse died thereafter only, and keeping in view the clarifications issued by the Government of India vide memorandum(s) dated 11.09.2013 (Annexure P-16) and 18.09.2014 stipulating therein that the eligibility of widow daughter for the grant of the family pension, is to be seen the date of death of



employee concerned hence, the benefit of family pension has wrongly been allowed in favour of the respondent no. 1 by the Tribunal.

3. We have heard learned counsel for the petitioners and have gone through the case file with her able assistance.

4. It may be noticed that the claim for the grant of the family pension which has been raised by the respondent No. 1 pertains to the year 2004, i.e. when the mother of the respondent No. 1 died. Though, respondent No. 1 became a widow in the year 2007 but reliance has been placed by respondent No. 1 before the Tribunal upon the Rules issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions Officer Memorandum (OM) No. 1/19/03-P7PW(E) dated 25.08.2004, which has duly been reproduced in paragraph No. 5 of the impugned order dated 06.07.2023 (Annexure P-4). For the ready reference, the same is also reproduced herein below:-

“Government has received representations for removing the condition of age limit in favour of divorced/widowed daughter so that they become eligible for family pension even after attaining the age limit of 25 years. The matter has been under consideration in this Department for sometime. In consultation with the Ministry of Finance, Department of Expenditure and the Ministry of Law and Justice, Department of Legal Affairs etc., it has now been decided that there will be no age restriction in the case of the divorced/widowed daughter who shall be eligible for family pension even after their attaining 25 years of age subject to all other conditions prescribed in the case of son/daughter. Such daughter, including disabled divorced/widowed daughter shall, however, not be required to come back to her parental home as stipulated in para 2(ii) of this Department's O.M. dated 25th July 2001, which may be deemed to have been modified to that extent. ”



5. A bare perusal of the above would show that nothing has come on record to show that as per the initial instructions dated 25.08.2004 issued by the Government of India, which were applicable at the time of death of the mother of the respondent No. 1 that a daughter claiming benefit of family pension after the death of her spouse, should be a widow at the date of death of deceased employee, rather, the only term which has been used is that “widow daughter” is entitled for the grant of the family pension.

6. Once, nothing has been brought to the notice of the Court that the daughter who is widow on the death of the spouse of the deceased employee will be the only one entitled for the grant of the family pension, the said instructions were rightly applied by the Tribunal while passing the impugned order dated 06.07.2023 that even a widow daughter who has become widow after the death of her mother/spouse **of the government employee** will be entitled for the grant of the family pension. .

7. The reliance is being placed upon by the learned counsel for the petitioners upon the clarification given by the Government vide memorandum dated 11.09.2013 and 18.09.2014 so as to deny the claim of the respondent No. 1.

8. It may be noticed that any clarification which has been issued subsequently cannot be made operative retrospectively, hence, the same has to be made operative prospectively. Hence, under any circumstances, denying the benefit of family pension to respondent No. 1 on the basis of clarification which has come into existence after a period of ten years after the cause of action accrued in favour of the respondents cannot be made applicable so as to deny the benefits.

9. Further, purpose for what the said instructions have been issued



are to be looked into. The instructions were issued so that a widow daughter is eligible to get the benefit of family pension so as to survive and live her life in a dignified manner. The facts are not in dispute that the daughter of the deceased employee concerned i.e. respondent No. 1, is a widow, hence, keeping in view the totality of the circumstances that as respondent no. 1 has no independent source of income and is to be treated as a dependent upon the deceased-Government employee, the benefit of family pension granted in favour of the respondent no. 1 is perfectly valid especially when the said benefit has already been granted to her by the Tribunal. The benefit of family pension is to be granted to respondent No. 1 from the date she became a widow and not from the year that her mother died, i.e. 2004, from which date Tribunal has granted said benefit.

10. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

11. Accordingly, the writ petition is dismissed.

12. Pending civil miscellaneous application(s), if any, stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

25.02.2026

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Whether speaking/reasoned:

Yes/~~No~~

Whether Reportable:

~~Yes~~/No