

CWP-7025-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-7025-2025 (O&M)

Date of Decision :22.01.2026

Union of India and others

...Petitioners

Versus

Chandro Devi and another

....Respondents

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

Present: Mr. Sushant Kareer, Sr. Panel Counsel for petitioners-UOI.

Mr. Arshit Goel, Advocate for respondent No.1.

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Harsimran Singh Sethi, J. (Oral)

1. Mr. Arshit Goel, Advocate appears and files vakalatnama on behalf of respondent No.1. Same is taken on record.

2. In the present petition, the challenge is to the impugned order dated 29.11.2019 (Annexure P/1) passed by the Armed Forces Tribunal (Regional Bench) Chandigarh (hereinafter referred to as 'the Tribunal') whereby, the benefit of special family pension has been granted to respondent No.1. by treating the death of her son namely, Vikram Singh attributable to the military service.

3. It may be noticed that son of respondent No.1 namely, Vikram Singh joined military service on 04.02.1994 and unfortunately died on 13.11.1994 due to "Cardiomyopathy". After his death, a Court of enquiry was constituted to ascertain that whether the death of Vikram Singh is attributable to military service or not and the finding recorded by the Court of inquiry was that the death of Vikram Singh is attributable to military

service which report was accepted by the Station Commander. Though, the recommendations were made for the grant of Special Family Pension but the authorities concerned rejected the same on the ground that the Cardiomyopathy which was the cause of death of Vikram Singh cannot be attributable to the military service.

4. The non-grant of the benefit of special family pension was agitated before the Tribunal and the Tribunal vide impugned order dated 29.11.2019 (Annexure P/1) granted the said benefit to the respondent No.1, which is under challenge in the present petition.

5. Learned counsel for the petitioners argues that the death of Vikram Singh was due to inflammation of the heart which is a genetic disorder and hence any death caused due to a disease which has emerged due to genes of a particular person, the same cannot held to be attributable to the military service so as to grant the benefit of special family pension to respondent No.1.

6. We have heard learned counsel for the parties and have gone through the record with their able assistance.

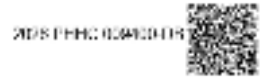
7. It may be noticed that even if for the sake of argument it is accepted that the disease suffered by son of respondent No.1 which was cause of his death is a generic one, than such an officer having such kind of disease should not be allowed to join army service being not fit. The petitioners should have physically examined the officer concerned so as to ascertain that whether he was fit to be recruited in the army or not so as to undergo the rigours of the army service which rigours put a pressure on heart due to the extreme exercise and the other duties needed to be

discharged by an army personnel.

8. Even if it is assumed for the sake of argument that the said disease is not attributable to the military service and same was already existing in respondent No.1 but keeping in view the rigours of the employment, when pressure is put to such kind of a heart, the same has to be treated having been as aggravated by the military service, which is also one of the condition for the grant of benefit of special family pension, which benefit is also even granted to such an officer who had a pre-existing disease which got aggravated by military service and ultimately resulted into death and therefore, once, an officer who is suffering such kind of disability which has gone unnoticed initially but the suffering has been done to the officer concerned due to rigorous of the military service, the case of the son of respondent No.1 will be covered by rules governing service for grant of special family pension under 2nd clause where said benefit is granted even if the death was aggravated by military service thus, entitling the respondent No.1 for the grant of benefit of special family pension.

9. Further, the order which was passed by the Tribunal in the year 2019 has been challenged by the petitioners-UOI only in the year 2025 i.e. after a period of 06 years without detailing the delay in approaching this Court.

10. Keeping in view the totality of the facts and circumstances of the present case, where the petitioners themselves have attributed the death of the son of the respondent No.1 to the military service and even otherwise, as discussed hereinbefore, the death is to be treated to be aggravated by the military service, the grant of benefit of special family pension to the



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respondent No.1 cannot be treated to be arbitrary and illegal and the present petition is accordingly dismissed.

11. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

January 22, 2026
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Whether speaking/reasoned : Yes
Whether reportable : No