



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

107

CWP-7306-2026**Date of Decision: 11.03.2026****UNION OF INDIA AND ORS**

...Petitioners

Versus

SMT NIRMALA DEVI AND ANR

...Respondents

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

Present:- Dr. Anju Sharma, Senior Panel Counsel,
for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the impugned order dated 24.02.2023 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh (in short, 'the Tribunal') by which, respondent No.1 has been granted the benefit of dual pension keeping in view the fact that her husband had also served the Army starting from the year 1943 and was invalidated out 12.11.1946 due to disability which was more than 20%, along with working in civil job from where he was also drawing pension.

2. We have heard the learned counsel for the petitioners and have gone through the record of the case with her able assistance.

3. It is conceded position that after invalidation from service, the husband of respondent No.1 was getting disability pension consisting of both service and disability element for a particular time before he got



appointment in civil services, where he worked upto the date of retirement and started getting a pension therefrom. The said civil pension was transferred in the name of respondent No.1-Nirmala Devi after the death of the officer concerned.

4. In 2012, the Union of India allowed the benefit of dual pension keeping in view the service rendered by an officer with the Army as well as with the civil service and on the basis of the said benefit, the pension was being claimed by respondent No.1 from the Army authorities as well as disability element of disability pension was stopped. The Army authorities declined the said benefit on the ground that nothing has come on their record that said Nirmala Devi is the wife of the officer namely Bhagat Ram. The Tribunal, while granting the benefit of pension to Nirmala Devi after considering civil service rendered by deceased-Bhagat Ram, she has been described as the wife of Bhagat Ram, which fact is good enough to consider her claim for the grant of benefit of service element of disability pension for the serviced rendered by deceased-Bhagat Ram with the Army authorities. The said finding is under challenge in the present writ petition.

5. It may be noticed that the Tribunal has appreciated the facts in detail. In all the documents placed before the Tribunal, including the Pension Payment Order issued in favor of deceased-Bhagat Ram for civil service rendered by him, respondent No.1-Nirmala Devi has been treated as a wife. Not only this, for the service rendered by deceased-Bhagat Ram on the civil side, respondent No.1-Nirmala Devi is already getting the benefit of family pension by wife. Once, the said fact has gone unrebutted, denial of the pension for the service rendered by the said Bhagat Ram in the Army to



respondent No.1-Nirmala Devi, cannot be treated as correct. Once, in the civil side, for the service rendered by deceased-Bhagat Ram, respondent No.1-Nirmala Devi has been duly acknowledged as his wife and has been granted the benefit of pension, non-grant of the same by the Army authorities on the ground that there is no record available of Nirmala Devi being the wife of Bhagat Ram, cannot be a valid ground, especially when Nirmala Devi has produced all the relevant records to claim the benefit which has rightly been appreciated by the Tribunal.

6. It may be further noticed that in the discharge book, the signatures of Nirmala Devi duly exists, which discharge book was issued by the Army authorities and therefore, even on said account, once the discharge book was produced before the Tribunal and the same has been appreciated, the argument that no record exists of Nirmala Devi being wife of Bhagat Ram, cannot be accepted.

7. Hence, in the absence of any perversity being pointed out in the impugned order dated 24.02.2023 (Annexure P-1) either on the basis of the facts or the settled principle of law, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

8. Accordingly, the writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

March 11, 2026
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Whether speaking/reasoned	Yes
Whether reportable	No