



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

CWP No.9690 of 2026 (O&M)

Date of Decision: 01.04.2026

UNION OF INDIA AND OTHERS

.....Petitioners

Versus

POONAM DEVI AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Anil Sharma, Advocate,
 for the petitioners.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 19.09.2023 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal') by which, respondent No.1 has been granted the benefit of Rs.10,00,000/- as ex-gratia lump sum compensation admissible on account of the death of her husband while in service.

2. Learned counsel appearing on behalf of the petitioners argues that though, it is a conceded position that on 08.03.2008, the husband of respondent No.1 was declared dead by doctors in the hospital after being found unconscious in a train while travelling from new Jalpaiguri to Delhi but, the benefit of ex-gratia amount vide letter dated 14.07.2021 has been given with retrospective effect whereas, the said letter explicitly clarifies that the same is effective from the date of issuance. Therefore, the death of husband of respondent No.1, which was actually on 08.03.2008, occurred



prior to 14.07.2021 and the said letter cannot be made applicable retrospectively to grant the said benefit, which fact had been ignored by the learned Tribunal.

3. We have heard the learned counsel for the petitioners and have gone through the record with his able assistance.

4. The only question which arises is whether or not the letter dated 14.07.2021 which clearly states its own operation to take effect from the date of issuance, can be made operatable to grant the said benefit to respondent No.1, whose death occurred prior to the said date.

5. A bare perusal of letter dated 14.07.2021, which has been reproduced in paragraph 5 of the order impugned, clearly says that the same is “a clarification of the earlier policy for the grant of lump sum compensation qua the soldiers/officers, who unfortunately died while in service”. It may be noticed that once, a clarification has been issued, the same has to relate back to the original date when the said policy was initially framed. The law on the said issue is settled. For the purpose of the present order, the judgment of the Hon’ble Supreme Court of India in Civil Appeal No.3752 of 2023 titled ***Sree Sankaracharya University of Sanskrit and others Versus Dr. Manu and another, decided on 16.05.2023***, wherein the Hon’ble Supreme Court held that, a clarification will relate back to the date of original decision.

6. Further, the argument that letter dated 14.07.2021 itself clarifies that the same will be applicable w.e.f. the date of its issuance, therefore, the same has to be interpreted to mean that henceforth, the said policy should be made applicable as per law. Anybody, who is covered by the clarification, has to be made entitled to the said benefit. Merely because the clarification was given at a subsequent date will not prevent the others, who were



covered by the said clarification from claiming the benefit keeping in view that the policy which was clarified, was already applicable on the said date. Therefore, the benefit granted by the Tribunal cannot be treated as incorrect.

- 7. No other argument has been raised.
- 8. Keeping in view the above, no ground is made out to interfere in the impugned order dated 19.09.2023 passed by the learned Tribunal and, hence, the present petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

01.04.2026
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Whether Speaking/Reasoned :	Yes
Whether Reportable :	No