



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

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CWP-8793-2026

Date of Decision : 23.03.2026

Union of India and others**....Petitioners****Versus****Smt. Babeeta Devi and another****....Respondents**

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

Present: Ms. Neha Jaggi, Senior Panel Counsel for the petitioners.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 28.04.2023 (Annexure P-1) passed by respondent No.2 – The Armed Forces Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as ‘the Tribunal), by which, respondent No.1 has been granted the benefit of special family pension instead of ordinary family pension.

2. Learned counsel for the petitioners submits that since the death of husband of respondent No.1 occurred after he had been invalided out from military service on 28.02.2015, hence, the death of an armed forces member which has occurred after he has been invalided from service cannot be attributed to the military service so as to grant the benefit of special family pension to respondent No.1.

3. Learned counsel for the petitioners further submits that though the disability incurred by the husband of respondent No.1 was assessed as having been aggravated by the military service yet the benefit of special family pension cannot be granted to respondent keeping in view the rules governing the service.

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

5. It may be noticed that respondent No.1 joined the Armed forces on 30.07.1999 and was invalided from service on 28.02.2015 on completion of 15 years and 06 months of service.

6. It is the contention of the learned counsel for the petitioners that since the death of husband of respondent No.1 occurred after him being invalided out from service and after he had rendered service in the armed forces hence, respondent No.1 should not be granted the benefit of special family pension as he was neither a member of armed forces at the time of death neither was he serving armed forces at the time of his death.

7. It should be noted that as per Regulation 213 of Pension Regulations for the Army (Part I) 1961, the benefit of special family pension is to be granted if an individual who has rendered service in military service has died, his death being attributable to military service or if his death has been hastened by any pre-existing wound, injury or disease, which was aggravated by military service. Furthermore, as per Rule 11 of the Entitlement Rules for Casualty Pensionary Awards, 1982, if the death of an armed force member occurs within a period of 10 years from the date of his invalidment, such death is to be attributed to the military service for the reason that the said Rule draws presumption in favour of the armed force member that the death of an armed forces member so occurred within a period of 10 years from the date of his/her invalidment, is to be attributed to military service.

8. In the present case, the husband of respondent No.1 retired from service on 28.02.2015 and the disability so occurred by him has been assessed



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as aggravated by military service. Once, the disease has been assessed to be aggravated by military service which was the reason for his invalidation from service, the benefit of special family pension cannot be denied to respondent No.1, keeping in view the regulations which have been discussed hereinbefore.

9. Even Rule 11 of the Entitlement Rules for Casualty Pensionary Awards, 1982, states that if the death of an armed forces member has occurred within 10 years from the date of invalidment due to the disability suffered during the service, such death is to be attributed to military service.

10. Keeping in view the totality of the circumstances, the order dated 28.04.2023 (Annexure P-1) passed by the Tribunal, keeping in view the facts and circumstances of the present case coupled with the settled principle of law, has not been shown to be perverse in any manner.

11. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

12. Accordingly, the writ petition is dismissed.

13. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

March 23, 2026

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No