



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

CWP-10568-2026

Date of decision : 08.04.2026

Union of India and others

...Petitioners

Vs.

Smt.Kusum Lata and another

...Respondent(s)

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

Present: Mr. Shubham Thakur, Advocate for the petitioners.

HARSIMRAN SINGH SETHI, J.(Oral)

1. In the present petition, the challenge is to the order dated 21.03.2023 (Annexure P-1) passed by the Armed Forces Tribunal, Chandigarh (hereinafter referred to as 'the tribunal), by which, the benefit of Special Family Pension has been granted in favour of respondent No.1 by treating them that death of the husband of respondent No.1 is to be treated as attributable to the military service.

2. Learned counsel for the petitioners submits that the husband of the respondent No.1 had gone missing on 03.03.2003 and was later found dead due to electrocution at Jamnagar on 05.03.2003. But in the impugned order dated 21.03.2023, the Tribunal has wrongly interpreted the said death to mean that same is attributable to the military service and that too by ignoring the fact that the husband of respondent No.1 had gone missing from the unit.

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

4. It may be noticed that the details have already been given by the Tribunal with regard to the service of the husband of the respondent No.1

surrounding his death and the same has already come on record. The death of the husband of respondent No.1 is dated 04.03.2023 and it has already come on record that on 03.03.2023, he was within the unit premises which fact has been confirmed by the colleagues of the husband. On being asked, as to how the husband of respondent No.1 was treated missing and whether any such document was brought on record to show that on 03.03.2023, he was treated missing and what action was taken in pursuant to the same, the learned counsel for the petitioners has not been able to point out any such document brought on record to show that prior to the discovery of the dead body, the husband of respondent No.1 was treated missing from the unit so as to take action.

5. It may be noticed that once, no such action was taken, and a missing report came after the discovery of the dead body, the order passed by the Tribunal that the husband of respondent No.1 was to be treated discharging his duties upto the date of his death and that his death has to be treated as attributable to the military service, so as to grant the benefit of special family pension, cannot be treated as perverse to the facts or to the settled principle of law.

6. No other argument has been raised.

7. Keeping in view the totality of the facts, no ground is made out for any interference by this Court and the writ petition is accordingly dismissed.

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

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

08.04.2026

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Whether speaking/reasoned :
Whether Reportable :

Yes
No