



118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.9401 of 2026 (O&M)

Date of Decision: 30.03.2026

UNION OF INDIA AND ORS

.....Petitioners

Versus

SMT. ROSHANI DEVI AND ANR

.....Respondents

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

Present: Ms. Neha Jain, Advocate
Senior Panel Counsel, for the petitioners-UOI.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, challenge is to the impugned order dated 14.12.2022 (Annexure P-3) passed by respondent No.2-Armed Forces Tribunal, Regional Bench Chandigarh (hereinafter referred to as 'the Tribunal') by which, a direction has been given to the petitioners herein to recalculate the service pension of husband of respondent No.1 by taking 33 years as maximum service rendered by husband of respondent No.1 so that, the respondent could get entitled for grant of family pension along with benefit of arrears.

2. Learned counsel for petitioners has not been able to dispute the said grant of the benefit of condonation of 5 years in favour of the claimant's husband that the same is valid as per the judgment in ***OA No.465 of 2011 titled Hazari Singh Ram Versus Union of India and others, decided on 30.09.2011***, but submits that the claim has been raised at a belated stage, which should have been declined.

3. We have heard the learned counsel for the petitioners and have gone through the case file with her able assistance.



4. The only argument raised is that although late husband of respondent No.1 had died on 09.05.2011 but, she had approached the Tribunal only in the year 2019 to raise the claim for grant of entitled family pension, which application should have been dismissed on the ground of delay and laches. As per the settled principle of law settled by Hon'ble Supreme Court of India in ***Civil Appeal No.4100 of 2022 titled as M.L. Patil (Dead) through LRs Versus State of Goa and another, decided on 20.05.2022***, ground of delay in claiming pensionary benefits including the benefit of family pension cannot be taken as pension partakes the character of property and same is not bounty. The relevant paragraph of the judgment is reproduced hereunder:

“3. Having heard Shri Rahul Gupta, learned counsel appearing on behalf of the appellant and Shri Ravindra Lokhande, learned counsel appearing on behalf of the respondent – State of Goa and considering the fact that even by the impugned judgment and order, the High Court has held that action of the State Government in requiring the original petitioners to retire at the age of 58 years or not permitting them to continue in their service upto the age of 60 years is illegal and null and void, we are of the view that the High Court has erred in observing that the appellant will not be entitled to any arrears of pension and the pension at the revised rates will become payable only from 1st January, 2020. As such, the High Court may be right and/or justified in denying any salary for the period of two extra years to the writ petitioners if they would have continued in service, on the ground of delay. However, as far as the pension is concerned, it is a continuous cause of action. There is no justification at all for denying the arrears of pension as if they would have been retired/superannuated at the age of 60 years. There is no justification at all by the High Court to deny the



pension at the revised rates and payable only from 1st January, 2020. Under the circumstances, the impugned judgment and order passed by the High Court is required to be modified to the aforesaid extent.”

5. In the present case, even otherwise, it may be noticed that after the death of the husband of respondent No.1, it was the duty of the petitioners, being a welfare State, to fix her entitled family pension which was not done. Once, the entitlement of respondent No.1 has not been disputed, the ground of delay cannot be brought in to deny the benefit of pension. Further, the petitioners being a welfare State, has to grant the entitled benefit to the officers or the family members after the death of the officer concerned. In the present case, further, the same relief has already been granted to **Hazari Singh Ram** (supra), which fact has also gone unrebutted at the time of direction.

6. Keeping into the above, as the order passed by the Tribunal has not been proved to be perverse either on facts or on law, no ground is made out. Hence, the present petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

30.03.2026
Sandeep

Whether Speaking/Reasoned :	Yes
Whether Reportable :	No