



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

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**CWP-9444-2026 (O&M)
Date of Decision :30.03.2026**

Union of India and others**... Petitioners****Versus****Ms. Kiran Kumari and another****... Respondents**

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

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

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HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, challenge is to the impugned order dated 20.12.2024 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Regional Bench Chandigarh (in short, 'the Tribunal') by which, the claim of respondent No.1 for grant of dependent family pension has been allowed.

2. Learned counsel for the petitioners submits that by the time application for grant of family pension was made, by the claimant, the parents of the respondent No.1 had already died and therefore, the claim of respondent No.1 for grant of family pension was not covered under the policy/instructions dated 17.11.2017 issued by Government and therefore, the grant of the said benefit of family pension by the Tribunal is incorrect. Learned counsel further submits that there has been a delay at the hands of claimant in raising the claim, which should be a ground enough to deny respondent No.1 the benefit of family pension.

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

4. Certain facts need to be mentioned for the correct appreciation of



the issue involved in the present writ petition.

5. The father of respondent No.1 retired from the service of Indian Army on 28.02.1981 and thereafter enrolled in the Defence Security Corps (DSC) on 26.10.1983 and discharged on 28.02.2002 and was granted the benefit of service pension. After the retirement of her father, respondent No.1 got married on 01.06.2005 but got divorced on 01.07.2015. Mother of respondent No.1 died on 23.12.2008. Unfortunately, the father of respondent No.1 also died on 16.08.2011. Further, nothing has been brought to the notice of this Court to show that once the benefit of pension is stopped after the death of the pensioner, the same cannot be allowed in favour of respondent No.1 who got divorced after the death of her parents especially when she had been living with her father even during the subsistence of her marriage, which shows that she was dependent upon her father even after marriage.

6. Though no benefit of family pension was allowed in favour of respondent No.1 starting from 17.08.2011 as the said marriage failed and resulted into divorce decree on 01.07.2015, after which date, the application was made by respondent No.1 for the grant of family pension on 26.10.2015. The said application was rejected by the petitioners by placing reliance upon the instructions dated 17.11.2017 on the ground that as father of respondent No.1 died on 16.08.2011 and respondent No.1 got divorced thereafter on 01.07.2015 after demise of her father, and since there was stoppage of pension, after the death of respondent No.1's father in 2011.

7. It may be noticed that the said instructions dated 17.11.2017 will not come into play qua claim of respondent No.1 for two reasons. Firstly, that the claim was raised by respondent No.1 much prior to the issuance of instructions dated 17.11.2017 and secondly, because nothing has come on



record to show that the said instructions are to be made applicable retrospectively even qua the claim raised in the year 2015 which is much before issuance of the said policy. Hence, the said instructions could not have been brought into operation while deciding the claim of respondent No.1.

8. Further, it may be noticed that the divorce proceedings were continuing at the time when the father of respondent No.1 was alive and she was being taken care by the father. Hence, even when during the subsistence of the marriage, the father was taking care of respondent No.1 and respondent No.1 was dependent upon him, merely that the actual divorce came into being after the death of the father of respondent No.1 will not make much difference as, even on the date of death, keeping in view the matrimonial dispute, respondent No.1 was living with her father and was dependent upon him. Hence, the grant of the benefit by the Tribunal, in the facts and circumstances of the present case cannot be faulted with.

9. Further, the family pension has only been allowed from the date of application made by respondent No.1 for grant of said benefit, which takes care of the delay of raising the same. Hence, as no perversity in the order 20.12.2024 (Annexure P-1) passed by the Tribunal is pointed out, no interference is called for by this Court.

10. No other arguments have been raised.

11. The writ petition is dismissed accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

30.03.2026

Sandeep *Whether speaking/reasoned :* *Yes*
Whether reportable : *No*