115 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-13555-2026
Date of Decision : 04.05.2026

UNION OF INDIA AND OTHERS ....Petitioners

VERSUS

SMT. BALWINDER KAUR AND ANOTHER

........Respondents

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

Present: Mr. Sushant Kareer, Advocate
for the petitioners-Union of India.

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HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 02.01.2023 (Annexure P-1) passed by the Armed Forces Tribunal, Regional Bench, Chandigarh (in short, 'the Tribunal') in OA No. 476 of 2012, whereby the benefit of ex-gratia amount of Rs.10 Lakhs, to which respondent No.1 was entitled for after the death of her husband, has been allowed.

2. Learned counsel for the petitioner submits that the benefit of ex-gratia amount could have only been granted in case the death of the husband of respondent No. 1 was assessed to be attributable to Military Service but, in the present case, the husband of respondent No.1 was going

to his home town after he was granted annual leave for 60 days leave and it was during such transit that he died in the train itself.

3. Learned counsel for the petitioner further submits that since husband of respondent No.1 was on leave, the death so occurred could not have been attributed to Military Service.

4. We have heard learned counsel for the petitioner and have gone through the records of the present case with his able assistance.

5. It may be noticed that prior to raising of the claim for grant of ex-gratia amount, the claim for the grant of Special Family Pension, which could only have been granted in case the death of the husband of respondent No.1 was assessed to be attributable to Military Service, has already been allowed. In the present case, death of husband of respondent No. 1 has been treated to be attributable to Military Service by court of enquiry and as such respondent No.1 has been held entitled for grant of benefit of Special Family Pension by treating the death of her husband as attributable to Military Service.

6. It may be noticed that once the said benefit has already been granted by treating death so occurred as attributable to Military Service, now contending that the death of the husband of respondent No. 1 is not attributable to Military Service so as to deny the benefit of ex-gratia amount, amounts to taking a contradictory stand before this Court, which cannot be accepted.

7. It is further clarified that, in terms of Letter dated 14.07.2021 of Government of India, Ministry of Defence, regarding ex-gratia lumpsum compensation, an Armed Forces personnel

travelling from the place of duty to the leave station and vice-versa on sanctioned leave/valid out pass shall be deemed to be on duty for the entire period of such journey, irrespective of whether railway warrant, concession voucher, cash travelling allowance or any other travel concession has been availed for undertaking the journey. The said clarification shall also apply where the individual returns early from the leave station to the duty station. The Relevant paragraph is as under:-

> *"(a) XXXX*
> *d. When proceeding on leave/valid out pass from his duty station to his leave station or returning to duty from his leave station on leave/valid out pass.*
> *Note 1: An Armed Forces personnel while travelling between his place of duty to leave station and vice-versa is to be treated on duty irrespective of whether he has availed railway warrant/concession vouchers/cash TA etc or not for the journey. This would also include journey performed from leave station to duty station in case the individual returns early. XXX"*

8. Keeping in view the totality of the circumstances, where the death of the husband of respondent No. 1 has already been treated as attributable to Military Service by the petitioners-Union of India so as to grant the benefit of Special Family Pension, raising a plea that the death of the husband of respondent No.1 is not attributable to Military Service for the grant of ex-gratia amount, cannot be accepted.

9. Further, no perversity has been pointed out in the impugned order dated 02.01.2023 passed by the Tribunal, coupled with the fact that the said order is being challenged after a period of 4 years.

10. Rather than granting the benefit, respondent No. 1 is being made to run from pillar to post hence, while dismissing the writ petition, we direct that the order dated 02.01.2023 passed by the Tribunal be

implemented within a period of ***8 weeks*** from the receipt of a copy of this order.

11. Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

04-05-2026
Sapna Goyal

(DEEPAK MANCHANDA)
JUDGE

NOTE: Whether speaking/ reasoned: YES
Whether reportable: NO