



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

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**CWP-14096-2026 (O&M)
Date of Decision :07.05.2026**

Union of India and others**... Petitioners****Versus****Amrit and another****... Respondents**

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

Present: Mr. Ramesh Chand 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 11.08.2025 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Regional Bench Chandigarh (in short, 'the Tribunal') by which, the Original Application filed by respondent No.1 has been allowed with a direction to the petitioners-UOI to review the rejection letter dated 28.02.2017 (Annexure P-20), letter dated 01.09.2017 (Annexure P-22) and letter dated 25.10.2017 (Annexure P-23) for grant of dependent family pension.

2. The argument which has been raised by the learned counsel for the petitioners is that the actual divorce of the daughter i.e. respondent herein took place after the death of her mother and therefore, such divorce which took place after the death of the last beneficiary, the daughter could not have been treated as dependent upon the mother on the date she died i.e., when the pensionary benefits got stopped and therefore, the order passed by the Tribunal is incorrect on the ground that the pensionary benefit, which got stopped could not have been again granted after divorce of daughter. He further submits that even the instructions dated 17.11.2017 have been ignored



by the Tribunal, according to which, said benefit could not have been granted to daughter.

3. We have heard learned counsel for the petitioners and have gone through the case file with his 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 commissioned in Indian Army on 07.08.1975 and died while in service on 18.12.1977 and all benefits including special family pension were granted to the mother of respondent No.1. Respondent No.1, who is the daughter, entered into a wedlock but got divorced on 22.10.2011. Mother of respondent No.1 died on 19.08.2010.

6. 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/beneficiary, 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 mother even during the subsistence of her marriage, which shows that she was dependent upon her mother even after marriage and was dependent on the date of the death of her mother.

7. Though no benefit of family pension was allowed in favour of respondent No.1 starting from 20.08.2010 as the said marriage failed and resulted into divorce decree on 22.10.2011, after which date, the application was made by respondent No.1 for the grant of family pension on 03.09.2012. The said application was rejected by the petitioners by placing reliance upon the instructions dated 17.11.2017.

8. 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. First, that



the claim was raised by respondent No.1 much prior to the issuance of instructions dated 17.11.2017 and second, 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 2012 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.

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 11.08.2025 (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

07.05.2026
Sandeep

Whether speaking/reasoned : Yes
Whether reportable : No