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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision :01.05.2026

Union of India and others

...Petitioners

Versus

Dhani Devi and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDAPresent: Ms. Geeta Singhwal, Sr. Panel Counsel
for the petitioners-UI.Mr. Randeep Punia, Advocate for
Mr. Praveen, Advocate for respondent No.1.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 31.08.2022 (Annexure P/1) passed by respondent No.2- Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal') whereby, the original application preferred by respondent No.1 for release of family pension for second service pension for DSC Service rendered by her husband Subha Chand by condoning the shortfall of 1 year and 96 days in completing 15 years of service has been allowed in term of the judgment of Armed Forces Tribunal, Chandigarh Bench in OA No.12 of 2012 titled as Ex. Sub Mahipal Singh vs. Union of India and others.

2. Learned counsel for the petitioners-UI submits that the issue raised in the present petition is covered by the judgment passed by Hon'ble the Supreme Court of India in **Union of India and others Versus Balakrishnan Mullikote (Ex.HAV 256812 M) Civil Appeal arising out of Diary No.27446 of 2023,**



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decided on 24.03.2026, and the present petition be decided in terms of the same so as to decide whether officer will be entitled for benefit of condonation of qualifying service keeping in view the total length of service revealed by the concerned soldier for accepting the claim that he has rendered 15 years of qualifying service as per formula given in para 32 of the aforesaid judgment and such consideration at the hands of the Union of India/Army Authority will be completed within a period of eight weeks from the date of receipt of copy of this order.

3. Ordered accordingly.

4. After ascertaining the length of service, appropriate order qua the soldier will be passed by the Army Authority depicting the total length of service and in case as per the judgment in **Balakrishnan Mullikote (supra)**, the soldier is found entitled for benefit of condonation of shortfall in qualifying service, he will be treated as having valid qualifying service for the grant of pensionary benefits, which benefits will be released within a period of four weeks from the date of finalization of condonation as directed hereinbefore.

5. Civil miscellaneous application pending, if any is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

May 01, 2026
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Whether speaking/reasoned : Yes
Whether reportable : No