



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

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CWP-16813-2024

Date of Decision : 19.02.2026

Union of India and others**....Petitioners****Versus****Smt. Sarwati Devi and another****....Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Ms. Geeta Singhwal, Senior Central Govt. Counsel with
for the petitioners.

Mr. Navdeep Singh, Senior Advocate with
Ms. Roopan Atwal, Advocate and
Mr. Rajat Chauhan, Advocate
for respondent No.1.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 08.07.2019 (Annexure P-3) passed by respondent No.2 – The Armed Forces Tribunal, Chandigarh, Chandigarh (hereinafter referred to as ‘the Tribunal), by which, the benefit of Liberalized Family Pension has been granted in favour of respondent No.1.

2. Learned counsel for the petitioners submits that the claim of respondent No.1 is to be treated having covered under Category C of the instructions dated 31.01.2001 whereas, the Tribunal has considered the claim of respondent No.1 to be falling under category E to grant the benefit of Liberalized Family Pension. Learned counsel for the petitioners further submits that the case of respondent No.1 cannot be said to be treated under

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category E hence, the impugned order dated 08.07.2019 (Annexure P-1) passed by the Tribunal may kindly be set aside.

3. The Learned Senior Counsel appearing on behalf of respondent No.1 submits that in case present one was a case relating to ordinary posting; the benefit under Category C of said instructions dated 31.01.2001 will be admissible but where, any death or injury has resulted while working in an operational area notified by the Government of India from time to time, then category E will be invoked keeping in view the wording of Clause E (i) of said instructions dated 31.01.2001, which has rightly been accepted by the Tribunal rightly vide order dated 07.08.2019 in the facts and circumstances of the present case as the husband of respondent No.1 was posted in operational area (Ladakh) in the year 1966 during the emergency when he suffered the accident which led to his death. The Learned Senior Counsel for respondent No.1 further submits that the factual matrix with regard to the posting of the husband of respondent No.1 in an operational area, has not been rebutted by counsel opposite rather the same has been conceded.

4. We have heard the learned counsel for the parties and have gone through the record with their able assistance.

5. Once, it is a conceded fact that the death of the husband of respondent No.1 occurred while being posted in operational area and as per the clause E (i) of instructions dated 31.01.2001, the benefit of Liberalized Family Pension is to be given to a person falling under the category E, the grant of benefit in favour of respondent No.1 cannot be treated as perverse to the instructions dated 31.01.2001. Relevant portion of instructions dated



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31.01.2001 is as under:-

“Category – ‘E’

- (a) *enemy action in international war.*
- (b) *action during deployment with a peace keeping mission abroad.*
- (c) *border skirmishes.*
- (d) *during laying or clearance of mines including enemy mines as also minesweeping operations.*
- (e) *on account of accidental explosions of mine while laying operationally oriented mine-field or lifting or negotiating minefield laid by the enemy or own forces in operational areas near international borders or the line of control.*
- (f) *War like situations, including cases which are attributable to/aggravated by:-*
 - (i) *extremists acts, exploding mines etc, while on way to an operational area*
 - (ii) *battle inoculation training exercises or demonstration with live ammunition.*
 - (iii) *kidnapping by extremists while on operational duty.*
- (g) *An act of violence/attack by extremists, anti-social elements etc.*
- (h) *Action against extremists, anti-social elements etc. Death/disability while employed in the aid of civil power in quelling agitation, riots or revolt by demonstrators will be covered under this category.*
- (i) **Operations specially notified by the Govt. from time to time.”**

6. No other argument has been raised.

7. Keeping in view the above totality, the order dated 08.07.2019

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(Annexure P-1) passed by the Tribunal cannot be treated as perverse either to the facts or the settled principle of law, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

8. Accordingly, the writ petition is dismissed.
9. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

February 19, 2026
Varinder

Whether speaking/reasoned : Yes
Whether reportable : No