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

CWP-18068-2023

Date of decision:-12.02.2026

Smt. Sarman Devi

...Petitioner

Versus

Union of India and anr.

...Respondent

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sushil Sheoran, Advocate
for the petitioner.

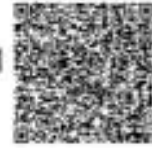
Mr. Deepak Vashisth, DAG, Haryana.

Mr. Sudhir Nar, Senior Panel Counsel – UOI and
Mr. Brijeshwar Singh Kanwar, Senior Panel Counsel
for respondent No.1.

SUVIR SEHGAL, J.(ORAL)

1. This writ petition has been filed by 96 years widow of late Bhagwana Ram, claiming pension under the Swantantrata Sainik Samman Pension Scheme, 1980 (for short “1980 Scheme”), Annexure P1.

2. Case of petitioner is that her husband joined the British army as a rifleman in Unit RAJ RIF on 14.05.1942 and was discharged



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on 16.11.1943 as he was invalided out of service. Petitioner's husband expired on 25.10.2006 and in February, 2010 petitioner applied for grant of the pension annexing therewith the requisite documents. State Government sanctioned pension to the petitioner under the State Samman Pension Scheme by virtue of letter dated 08/09.12.2011, Annexure R1 and recommended the case of the petitioner for grant of pension under the 1980 scheme to the Central Government vide letter dated 22.12.2011, Annexure R2.

3. Counsel for the petitioner has asserted that the Central Government - respondent No.1 is sitting over the matter and is raising flimsy objections by relying upon clause 1.5 of the revised guidelines of the pension scheme. Counsel has made a reference to the judgments passed by this Court in ***Suresh and another Versus Union of India and another*** (CWP-305-2022, decided on 13.09.2023) as well as ***Chand Kaur Versus The Secretary, Ministry of Home Affairs and others, 2020 (4) SCT 662*** to submit that the said clause does not disentitle a dependent of a freedom fighter from making an appropriate application claiming dependent pension from the date of application. Counsel asserts that the judgments passed in Chand Kaur's case (supra) has been affirmed by a Division Bench in LPA.

4. Counsel for Union of India – respondent No.1 states that the recommendation sent by the State Government was not supported by valid documents and petitioner's claim could not be considered. On a



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specific query, he states that he is not aware of the status of the recommendation, Annexure R2. He states that the deceased freedom fighter never applied for pension under the 1980 scheme and petitioner, who is the widow of the freedom fighter applied for pension after four years of the death of the freedom fighter.

5. Be that as it may, it transpires from the pleadings that the recommendation, Annexure R2, sent by the State Government is still pending with respondent No.1 – Union of India. Government is expected to be sensitive in such like matters and cannot sit over applications for grant of freedom fighters pension, for decades together.

6. In view of the above, respondent No.1 is directed to take a final decision on the recommendation, Annexure R2 within a period of three months from the date of communication of a copy of this order. In case respondent No.1 finds that the recommendation does not deserve to be accepted, it shall pass a speaking order giving reasons for its rejection.

7. With the above direction, writ petition is disposed of.

(SUVIR SEHGAL)
JUDGE

12.02.2026
Brij

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