

CWP-32188-2024

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

(240)

CWP-32188-2024

Date of Decision : May 07, 2026

Union of India and others**.. Petitioners****Versus****Armed Forces Tribunal, Chandigarh and another .. Respondents**

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

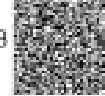
Present: Mr. Narender Kumar Vashist, Senior Panel Counsel,
for the petitioners-UOI.

Mr. Arshit Goel, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present writ petition has been filed challenging the order dated 30.09.2022 (Annexure P-1) passed by respondent No.1- Armed Forces Tribunal, Regional Bench, Chandigarh by which, the special family pension has been given in favour of respondent No.2.

2. Learned counsel for the petitioners submits that in the present case, the husband of respondent No.2 fell from cycle and succumbed to the injuries while availing benefit of casual leave hence, there was no causal connection of death of husband of respondent No.2 with the military service and therefore, said death cannot be treated as attributable to the military service hence, the grant of benefit of special family pension in favour of respondent No.2 by treating the death attributable to the military service is incorrect and therefore, the order dated 30.09.2022 (Annexure P-1) passed by the Tribunal is liable to be set aside.

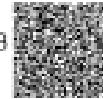
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3. Learned counsel appearing on behalf of respondent No.2, on the other hand, submits that after the death of husband of respondent No.2, a Court of enquiry was held wherein, after appreciating all the facts, the Court of enquiry found that the death of husband of respondent No.2 is attributable to the military service which recommendation of the Court of enquiry still exists hence, the petitioners cannot be allowed to say that the death is not attributable to the military service. He further submits that though husband of respondent No.2 was on casual leave, but same is to be treated as active military service keeping in view the rules governing the service.

4. Learned counsel for the petitioners submits that though the Court of enquiry had given such recommendations but the administrative authority has not accepted the same and therefore, no benefit of such recommendation can be given in favour of respondent No.2 so as to held her entitled for grant of benefit of special family pension.

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

6. Once, it is a conceded position that after the death of husband of respondent No.2, a Court of enquiry was held wherein, after considering all the facts, a finding was recorded that that the death of the husband of respondent No.2 was attributable to the military service and as such the same has to be taken to the logical end so as to treat the said death attributable to the military service and grant the consequential benefits. The view taken by the Tribunal is perfectly valid and legal.



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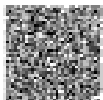
7. The argument which is being raised by the learned counsel for the petitioners is that the recommendation of the Court of enquiry were not accepted by the administrative authorities and therefore, no benefit of the same could have been given.

8. It may be noticed that once, the competent authority after appreciating all the facts had made a recommendation, without any valid justification, the same cannot be set aside by the executive so as to deny the benefit. Further, recommendation of the administrative authorities cannot be given precedence over finding of Court of enquiry which is based upon evidence brought on record. Hence, the grant of benefit of special family pension on the basis of the recommendation of the Court of enquiry is perfectly valid and legal. The order dated 30.09.2022 (Annexure P-1) passed by the Tribunal is not perverse either on the basis of the facts or on the basis of law.

9. At this stage, learned counsel for the petitioners submits that the benefit of whole of the arrears has been given whereas, it should have been restricted as the claim was raised after a period of 18 years.

10. The said argument cannot be accepted in view of the settled principles of law settled by the Hon'ble Supreme Court of India in ***Civil Appeal No.3086 of 2012 titled "Balbir Singh vs. Union of India and others"***, decided on 08.04.2016 as well as in ***Civil Appeal Nos. 6820-6824 of 2018 titled as Union of India through Secretary and others vs. SGT Girish Kumar and others, decided on 12.02.2026.***

11. No ground is made out for any interference by this Court in the facts and circumstances of the present case.



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12. Accordingly, the writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

May 07, 2026
harsha

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No