

**104+230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM-3812-CWP-2026 in/and
CWP No.30321 of 2024 (O&M)
Date of Decision : 06.05.2026**

UNION OF INDIA AND OTHERSPetitioners

VERSUS

SMT. PANMESWARI DEVI AND ANOTHER
.....Respondents

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

Present: Ms. Neha Jain, Advocate for the petitioners.

None for the respondents.

HARSIMRAN SINGH SETHI, J. (Oral)

CM-3812-CWP-2026

Present application has been filed by the learned counsel for the petitioner for placing on record Inquiry Report as Annexure P-3.

Keeping in view the contents mentioned in the application, the same is allowed.

Inquiry Report as Annexure P-3 is taken on record, subject to all just exceptions.

CWP No.30321 of 2024 (O&M)

In the present petition, the challenge is to the impugned order dated 28.02.2018 (Annexure P-2) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh, (hereinafter referred to as 'the Tribunal') passed in OA No.1653 of 2014, by which, a direction was issued to consider the total service rendered by the late husband of the respondent

No.1 including service rendered by him in Defense Service Corps calculating the pensionary benefits admissible to him including the Family Pension. The said impugned order was passed by the Tribunal on 28.02.2018 and the same is being challenged after a period of six years.

2. On being asked to point out, as to how the benefit of family pension granted to respondent No.1 on account of service rendered by the late husband of respondent No.1, is incorrect, the only contention putforth is that the relief claimed was after a delay.

3. We have heard learned counsel for the petitioners and have gone through the records of the present case with her able assistance.

4. As per the judgment of Hon'ble Supreme Court of India in ***CIVIL Appeal No. 4100 OF 2022 titled as "M.L. Patil (Dead) through L.Rs vs The State of Goa and another"*** passed in the claim regarding pension cannot be denied merely on ground of delay as same is a recurring cause of action. The relevant paragraph of the judgment is reproduced hereunder:-

"3. Having heard Shri Rahul Gupta, learned counsel appearing on behalf of the appellant and Shri Ravindra Lokhande, learned counsel appearing on behalf of the respondent – State of Goa and considering the fact that even by the impugned judgment and order, the High Court has held that action of the State Government in requiring the original petitioners to retire at the age of 58 years or not permitting them to continue in their service upto the age of 60 years is illegal and null and void, we are of the view that the High Court has erred in observing that the appellant will not be entitled to any arrears of pension and the pension at the revised rates will become payable only from 1st January, 2020. As such, the High Court may be right and/or justified in denying any salary for the period of two extra years to the writ petitioners if they would have continued in service, on the ground of delay. However, as far as the pension is concerned, it is a continuous cause of action. There is no justification at all for denying the arrears of pension as if they would have been retired/superannuated at the age of 60 years. There is no justification at all by the High Court to deny the pension at the revised rates and

payable only from 1 st January, 2020. Under the circumstances, the impugned judgment and order passed by the High Court is required to be modified to the aforesaid extent.

4. In view of the above and for the reasons stated above, the present Appeal Succeeds in Part. The impugned judgment and order passed by the High Court to the extent of denying any arrears of pension and holding that the appellant shall be entitled to the pension at the revised rates only from 1st January, 2020 is hereby quashed and set aside. It is held and ordered that the appellant – original writ petitioner shall be entitled to pension at the revised rates from the date he attains the age of 60 years. Now the arrears accordingly shall be paid to the appellant within a period of four weeks from today. Present Appeal is Partly Allowed to the aforesaid extent. In the facts of the case, there shall be no order as to costs.”

6. Hence, the ground of delay within the range to deny the pensionary benefits, cannot be accepted and the same is accordingly rejected.

7. No other argument is raised.

8. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

9. Accordingly, the present petition stands dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

06-05-2026
Sapna Goyal

(DEEPAK MANCHANDA)
JUDGE

NOTE: Whether speaking/ reasoned: YES
Whether reportable: NO