



CWP No. 23181 of 2026 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(134)

CWP No. 23181 of 2026 (O&M)

Date of Decision : 28.07.2026

Union of India and others

...Petitioners

Versus

Smt. Shakuntla Devi and another

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*
HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Ms. Bhavana Datta, Senior Panel Counsel
for the petitioners-UOI.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 15.12.2022 (Annexure P-1) in OA No. 512 of 2021 passed by respondent No. 2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which, respondent No.1-widow of the deceased army personnel has been granted the benefit of special family pension instead of ordinary family pension w.e.f. 18.01.2017, the day next to the date of death of her husband i.e. 17.01.2017 on the ground that the same is perverse.

2. The only argument which has been raised against the order dated 15.12.2022 (Annexure P-1) is that respondent No.1, who is the widow of deceased Soldier, should not have been granted the benefit of special family pension, as the death of the Soldier concerned occurred due to *cardiac arrest* (Heart Failure) on 17.01.2017 while he was availing his causal



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leave (from 16.01.2017 upto 30.01.2017) and as such, when he was not on active duty, any injury/fatal injury suffered while not having on active duty, cannot be said to be either attributable to or aggravated by military service and has specifically been assessed as not attributable to military service. Hence, the Tribunal failed to appreciate the said fact while granting the benefit of special family pension to respondent No. 1.

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

4. Two issues surface from perusal of the paper-book and impugned order along with the arguments of learned counsel for petitioners, which have been duly heard. Firstly, that whether the death of husband of respondent No.1 can be said to be attributable to military service rendered by him and secondly, that whether the death which has occurred during the time he was availing casual leave, would that death be still considered as attributable to military service so as to grant the benefit of special family pension to respondent No.1.

5. Qua the first issue, it shall be noted that the death of husband of respondent No.1 was due to *cardiac arrest*. It shall be noted that said cause of death is due to the stress and strain caused during the time he was rendering his service and a result of stress and strain, which is considered as a root cause of *cardiac arrest*, which was ultimately the cause of death of husband of respondent No.1.

5. As per appendix II, para B of 'Pension Regulation and Entitlement Rules for Casualty Pensionary Awards, 1982', it has been noted in the classification of diseases that stress and strain is cause of *cardiac*



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arrest among other diseases. Once the stress and strain caused during military service which may be due to various factors including but not limited to food, area of posting, arduous nature of job, is to be treated as cause of high blood pressure, which further is to be treated as cause of *cardiac arrest*, which was the cause of death of husband of respondent No.1, the said death is to be treated as attributable to military service by the Tribunal, especially when the husband of the respondent No.1 was fit at the time of joining the military service.

7. Regarding the second issue that whether the death of husband of respondent No.1, which death occurred during the time he was availing casual leave, whether same would be considered as attributable to military service or not? Qua the said issue, it may be noticed that it is immaterial that whether the death occurred was during the time he was serving on active duty or not, as the only aspect is to be seen that whether he was still in service at that time or not? In the present case, it is a conceded position that death of husband of respondent No.1 occurred during the time he was in service with the petitioners since last more than 17 years and death occurred on the first day of casual leave hence, the argument of the learned counsel for petitioners that since officer concerned was on casual leave, the death caused is not to be treated as attributable to military service stands defeated.

8. Even otherwise, as per rules governing the service and settled principle of law, any personnel on casual leave, he is to be treated as on duty, which fact/Regulation has been gone un rebutted at the hands of the petitioners. Hence, the grant of benefit of special family pension in favour of respondent No.1 is correct.



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9. Reliance in this regard may be placed on Full Bench judgment of this Court passed in LPA No. 978 of 2009 titled as ***Union of India through Secretary Vs. Khushbash Singh***, decided on 31.03.2010. Relevant extract from the said judgment is as under :-

“ xxx xxx xxx xxx

An Army Personnel, while on casual leave or annual leave, shall be considered to be on duty except when by virtue of Rule 11 of the Leave Rules, he could not be deemed to be on duty, if he had not actually performed duty in that year. If he was on duty and he suffers the disability due to natural causes, the issue whether it was attributable to or aggravated by Military Service will be examined by taking the case of the Army Personnel as he was and examining whether it was the intervention of the army service that caused the disability. The decision of the Medical Board in examining the physiological injury or the psychological impacts of military service would obtain primacy and the Court shall normally be guided by such scientific medical opinion. However, in cases where the injury that results in disability is due to an accident, which is not due to natural, pathological, physiological or psychological causes of the personnel, the question that has to be asked is whether the activity or conduct that led to the accident was the result of an activity that is even remotely connected to Military Service. An activity of an independent business or avocation or calling that would be inconsistent to Military Service and an accident occurring during such activity cannot be attributable to Military Service. Any other accident, however, remotely connected and that is not inconsistent with Military Service such as when a person is returning from hospital or doing normal activities of a military personnel would still be taken as a disability attributable to Military Service.”



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10. The order is passed in the presence of the learned counsel for the petitioners.

11. No other argument has been raised.

12. Keeping in view the totality of the circumstances and the settled principle of law noted herein before, the grant of the benefit of special family pension in favour of respondent No.1 in the facts and circumstances of the present case as well as coupled with the settled principle of law noted herein before, cannot be treated as perverse either to the fact or settled principle of law so as to need any interference by this court. Accordingly, the present writ petition is dismissed.

13. Pending miscellaneous application(s), if any, shall also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(AMARINDER SINGH GREWAL)
JUDGE

July 28, 2026
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Whether speaking/reasoned : Yes

Whether reportable : No