



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

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CWP-24898-2025 (O&M)
Date of decision: 26.08.2025

Union of India and others

...Petitioners

Versus

Sumitra Devi and another

...Respondents

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CWP-24912-2025 (O&M)

Union of India and others

...Petitioners

Versus

Suman Ravish and another

...Respondents

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

Present: Ms. Jyoti Choudhary, Senior Panel Counsel
for the petitioners.

HARSIMRAN SINGH SETHI, J. (Oral)

1. By this order, two writ petitions, details of which have been mentioned above, are being decided together as both the petitions involve the same question of law on similar facts.

2. For sake of convenience, facts are being drawn from CWP-24898-2025. Certain facts need to be mentioned for the correct appreciation of the issue in hand.

3. In the present petition, the challenge is to the impugned order



dated 27.07.2023 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'Tribunal') by which, it has been held that the death of the husband of respondent No.1, who died due to heart attack on 12.07.2016 was attributable to the military service, on the ground that the same is perverse.

4. Learned counsel for the petitioners argues that though, the husband of respondent No.1 was enrolled in the Army on 28.05.1994 and had served upto the date of his death i.e. 12.07.2016 but as he died of heart attack while he was availing casual leave, the death of husband of respondent No.1 could not have been treated as attributable to the military service. Learned counsel for the petitioners submits that the benefit of "Special Family Pension" which has been extended to respondent No.1 is incorrect and the impugned order 27.07.2023 (Annexure P-1) passed by the Tribunal may kindly be set aside.

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

6. The first question which arises for consideration is whether the death of the husband of respondent No.1 occurred while on duty or not. It is a conceded position that at the time when death of the husband of respondent No.1 occurred, he was on casual leave for the period starting from 04.07.2016 to 28.07.2016 and on the 9th day of the casual leave, he suffered from heart attack and consequently died. As per the petitioners themselves, an officer availing casual leave is to be treated on duty according to Rule 10 of the Leave Rules. Hence, it is a conceded position that the death of the officer concerned occurred while he was on duty.



7. Furthermore, the death occurred due to a heart attack. It is relevant here to notice that “situation leading to heart attack” takes time to develop and the stress and the service conditions play an important role in the development of such situation which leads to heart attack. Nothing has come on record to show that while the husband of respondent No.1 was performing the duties assigned to him for a period of 22 years, he was not under such condition which could lead to happening of heart attack. The stress and strain encountered in 22 years of service and the job profile of the personnel concerned has rendered the happening of heart attack due to the service, which heart attack ultimately was the cause of his death. Hence, in the facts and circumstances of the present case, merely that the heart attack was encountered while the officer was availing casual leave, during which period also he was to be treated as being on duty, the same cannot be said to be not attributable to the military service.

8. As per the settled principle of law settled by the Hon’ble Supreme Court of India that even when the officer is availing leave, the facts are to be noticed so as to draw a distinction that whether the cause of death can be attributed, connected or aggravated by the military service or not. The relevant paragraph No.36 (e) of the judgment in ***Union of India vs. Dharambir Singh, (2020) 14 SCC 582*** is as under:-

“36. (e) The hazards of Army service cannot be stretched to the extent of unlawful and entirely unconnected acts or omissions on the part of the member of the force even when he is on leave. A fine line of distinction has to be drawn between the matters connected, aggravated or attributable to military service, and the matter entirely alien to such service.



What falls ex-facie in the domain of an entirely private act cannot be treated as legitimate basis for claiming the relief under these provisions. At best, the member of the force can claim disability pension if he suffers disability from an injury while on casual leave even if it arises from some negligence or misconduct on the part of the member of the force, so far it has some connection and nexus to the nature of the force. At least remote attributability to service would be the condition precedent to claim under Rules 173. The act of omission and commission on the part of the member of the force must satisfy the test of prudence, reasonableness and expected standards of behaviour.”

9. A bare perusal of the above reproduction would show that the Hon’ble Supreme Court of India has held that the cause of the death and the circumstances leading to death have to be appreciated even when the death occurs during the leave period so as to arrive at conclusion whether the same can be attributable to the military service or not. In the present case, the Tribunal while passing the order dated 27.07.2023 (Annexure P-1) has rightly appreciated all the facts which have been brought on record to reach to the conclusion that the death of the husband of respondent No.1 on 12.07.2016 due to heart attack suffered on 9th day of availing the casual leave is attributable to the military service.

10. Learned counsel for the petitioners has not been able to point out any fact that prior to availing the casual leave, the husband of respondent No.1 was not subject to hard, strenuous and stressful condition which led to occurrence of heart attack while performing the duties, especially when it is a conceded position that when the husband of respondent No.1 was recruited, he was medically checked up and was



found to be fit and not suffering from the disease which ultimately was the cause of his death. Further, the reliance is being placed upon Regulation 213 of the Pension Regulations for the Army, 1961 that the disease which is found to be attributable to the military service or aggravated by the military service has only to be taken into account for the grant of special family pension. As noted hereinbefore, keeping in view the fact that the husband of respondent No.1 performed the duties with Indian Army for a period of 22 years and at the time of his recruitment, he was found to be fit and not suffering from the disease which ultimately was the cause of his death, keeping in view the stress, strain and the job profile, the heart disease, which is the cause of the death, has to be attributed to the military service.

11. No other argument has been raised.
12. Hence, the facts and circumstances of the present case are covered under Regulation 213 of the Pension Regulations for the Army, 1961 and the order passed by the Tribunal cannot be treated as perverse either on facts of the case or the settled principle of law.
13. Both the petitions are disposed of in above terms.
14. A photocopy of this order be placed on the connected file.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

26.08.2025
harish

Whether speaking/reasoned :	Yes
Whether Reportable :	No