



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

**CWP-22437-2025 (O&M)  
Date of Decision : 11-08-2025**

**UNION OF INDIA AND ORS**

**.....Petitioner(s)**

**VERSUS**

**GURBACHAN KAUR AND ANR**

**.....Respondent(s)**

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

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

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**HARSIMRAN SINGH SETHI, J. (Oral)**

1.                In the present petition, the grievance of the petitioners is that the benefit of the liberalised Family Pension has been granted to respondent No.1 by the Armed Forces Tribunal, Chandigarh (hereinafter referred as "AFT") vide order dated 16.02.2024, copy of which has been appended as Annexure P-1, which is incorrect as the respondent No.1 has approached the Tribunal after a delay of 25 years to claim the said benefit.

2.                Learned counsel for the petitioners submits that the said claim should have been dismissed by the AFT on the ground of 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. A bare perusal of the impugned dated 16.02.2024 (Annexure P-1) would show that the relief granted to respondent No.1 is based upon the relief granted in Original Application (hereinafter referred as "OA") OA No.78 of 2016 titled "***Smt. Gurmel Kaur and ors. Vs. Union of India and ors.***"

5. It is a conceded fact that the petitioners have already accepted and implemented the judgment in ***Gurmel Kaur's case (supra)*** hence, the benefit given to the respondent No.1 could not have been assailed.

6. Further, in the present petition, no differentiating fact between the ***Gurmel Kaur's case (supra)*** and the respondent No.1 herein has been pointed out so as to convince this Court that the judgment in ***Gurmel Kaur's case (supra)***, is not applicable.

7. In the absence of any differentiating fact coupled with the fact that the Tribunal has recorded a finding that the claim of the respondent No.1 herein is similarly situated in ***Gurmel Kaur's case (supra)***, no interference is needed by this Court.

8. It may be noticed that in ***Gurmel Kaur's case (supra)***, the OA was filed in the year 2016 wherein, the benefit was allowed and in the present case, the OA was filed in the year 2019 hence, no such differentiating fact qua the delay exists in the present case. Once, the relief was granted to ***Gurmel Kaur's case (supra)***, which has been implemented, which OA was also filed after a substantial delay hence, the claim of the respondent No.1 cannot be denied especially when the same is extended to all the similarly situated employees.

9. 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.

10. Present petition stands dismissed.
11. Pending application, if any, also stands disposed of.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

11-08-2025  
Sapna Goyal

**(VIKAS SURI)**  
**JUDGE**

Note: Whether speaking : YES  
Whether reportable : NO