



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

**162**

**CWP-29315-2025**

**Date of Decision: 29.09.2025**

**Union of India and others**

**...Petitioners**

**Versus**

**Smt. Santosh Devi and another**

**....Respondents**

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

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**Present:** Ms. Neha Jaggi, Senior Panel Counsel  
for the petitioners.

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**Harsimran Singh Sethi, J. (Oral)**

1. In the present petition, the challenge is to the impugned order dated 24.09.2019 (Annexure P-1) passed by respondent No.2 – Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as ‘the Tribunal), by which, the benefit of special family pension has been extended in favour of respondent No.1 and order dated 05.07.2023 (Annexure P-4) wherein the application for seeking leave to appeal against the impugned order was dismissed.

2. Learned counsel for the petitioners submits that the special family pension has been granted to respondent No.1 though the husband of the respondent was on sick leave at the relevant time and he was alcoholic and due to the said fact, he suffered the ‘*cardiac arrest and fracture neck humerus (RT)*’ which led to his death hence, the death of the husband of respondent



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could not have been attributed to the military service under any circumstances, so as to claim special family pension.

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

4. It is a conceded fact that any soldier, who is availing sick leave, is to be treated on duty for all intents and purposes. While availing the said benefit, the death of the late husband of respondent No.1 has been shown to be due to “*Cardiac Arrest and Fracture Neck Humerus (RT)*”. Nothing has come on record that the same was a result of alcoholic addiction, if any.

5. Further, nothing has been proved before this Court that the late husband of respondent No.1 was alcoholic or the cause of death was a result of alcoholic addiction.

6. Once, the *cardiac arrest* has been shown to be the reason for the death of the late husband of respondent No.1, and he died while in service, the cause of death has to be attributed to the military service so as to grant the benefit of special family pension.

7. Further, the Tribunal has relied upon the judgment in Original Application No.1102 of 2014 titled as ***Smt. Krishna Devi vs. Union of India and others***, decided on 09.08.2019 and nothing has been shown to this Court that the case of respondent No.1 herein is different than the one in ***Smt. Krishna Devi’s case (supra)***.

8. Keeping in view of the fact that no perversity has been shown in the impugned order dated 24.09.2019 (Annexure P-1) and order dated



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05.07.2023 (Annexure P-4) either on the basis of the facts or the settled principle of law, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

9. Accordingly, the writ petition is dismissed.
10. Pending application(s), if any, stands disposed of.

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

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

**September 29, 2025**

*Varinder*

Whether speaking/reasoned : Yes

Whether reportable : No