



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

**CWP No.16736 of 2025
Date of Decision: 01.07.2025**

Union of India and others

...Petitioners

Versus

Ex. Sep. B Rama Krishna and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Akash Vashisth, Advocate
Central Govt. counsel for the petitioners-UI.

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SANJEEV PRAKASH SHARMA J.(Oral)

The challenge in this writ-petition is to the order dated 17.05.2023 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal (for short 'the AFT') whereby the AFT has allowed the application of the applicant (respondent No.1 herein) claiming the War Injury Pension based on the provisions contained under letter dated 31.01.2001.

2. Learned counsel for the petitioners submits that the AFT has committed an error in treating the injury to have been caused while erred in Category E sub-clause (i)-Operations specifically notified by the Government from time to time. Learned counsel submits that the disability of fracture C5 burst fracture with traumatic quadriplegia (OPTD) occurred in a simple accident while he was a member of working party for collecting kerosene oil and thus, it cannot be said to be a war injury or an injury caused during operation.

3. We have considered the submissions carefully related to the record and find that respondent No.2-AFT noticed the provisions of the letter

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dated 31.01.2001 and found that in terms of Category E war pension would be available if the death or disability arose as a result of factors mentioned therein. One of the factum is disability stood death arising as a result of operation specially notified by the Government from time to time. It is an admitted position that when the applicant-respondent No.1 suffered injuries operation had been notified in the area and while being a member of the working party detailed for collection of the kerosene oil the accident occurred and the gipsy occupied by him skidded.

4. In the circumstances, we are of the firm view that once a working party is detailed for collection of kerosene oil and they proceed on a Government vehicle it would be a part of the 'Operation Rakshak' and it cannot be said that the work of collecting kerosene oil which is of course given for the purpose of 'Operation Rakshak' which is a sort of exercise, has to be treated as a part and parcel of the said exercise. Any injury caused to any person which is of nature of causing permanent disability or death, would invite War Injury Pension or War Death Pension as the case may be.

5. Having said so, we find that the AFT has correctly interpreted the said provisions and proceeded to grant War Injury Pension w.e.f 21.09.2012 for life along-with attendant allowance as applicable to the concerned applicant-respondent No.1.

6. No interference is, therefore, warranted. Accordingly, the instant writ-petition is dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

01.07.2025
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No