



2025:PHHC:113201-DB



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

119+241

CWP-30134-2024 (O&M)

Date of Decision: 25.08.2025

Smt. Mukeshvati

....Petitioner

Versus

Union of India and others

....Respondents

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

Present: Mr. R.S.Panghal, Advocate
for the petitioner.

Mr. Rohit Verma, Advocate
for the respondent – UOI.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned orders dated 27.08.2024 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh, (for short 'the Tribunal') by which, the benefit of Liberalised Family Pension was not granted to the petitioner.

2. Learned counsel for the petitioner argues that though the benefit of Special Family Pension has already been granted to the petitioner but, the petitioner is rather entitled for the benefit of Liberalised Family Pension by treating the death of her husband to have happened during the war. Learned



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counsel for the petitioner submits that the same has been denied by the Tribunal in an arbitrary manner.

3. Learned counsel appearing for the respondent – UOI submits that the benefit of Special Family Pension has already been granted to the petitioner but the benefit of Liberalised Family Pension can only be given in case, the death of an employee concerned occurs in a war zone or during happening of an operation and in the present case, the death of the late husband of petitioner happened at the hands of a colleague while he was posted in a unit and not during happening of any war or an operation being undertaken.

4. We have heard the learned counsel for the parties and have gone through the record with their able assistance.

5. The claim of the petitioner is that she should be granted the benefit of Liberalised Family Pension by treating that the case of death of her husband is covered under Category ‘E’ of Instructions dated 31.01.2001 (Annexure P-6). Learned counsel for the petitioner submits that clause ‘g’ of Category ‘E’ covers the case of the petitioner but, the same has not been looked into either by the authorities concerned or by the Tribunal while declining the benefit of Liberalised Family Pension to petitioner.

6. It may be noticed that as per the respondent, there was a fight between the husband of the petitioner and another colleague after consumption of liquor during which fight, he was shot by the said colleague which resulted into his death. The clause ‘g’ under which, the petitioner is trying to bring her case to get the Liberalised Family Pension is as under:-



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“(g) An act of violence/attack by extremists, anti-social elements, etc.”

7. A bare perusal of the above would show that though, the same relates to an act of violence/attack by extremists or anti-social elements but the same will not cover a situation of a private fight amongst employees after being drunk.

8. Keeping in view the totality of the circumstances once, the petitioner has already been granted the benefit of Special Family Pension, the circumstances under which the husband of the petitioner died, cannot be treated to have been covered under the clause ‘g’ (supra), so as to grant her the benefit as is being claimed by her of Liberalised Family Pension, as is being claimed by her.

9. The argument of the learned counsel for the petitioner that the claim of the petitioner will be covered under Category ‘E (f) (ii)’ of the instructions dated 30.01.2001 (Annexure P-6) cannot be accepted. The said category is as under:-

“(ii) battle inoculation training exercises or demonstration with live ammunition.”

10. A bare perusal of the above would show that the same can only be invoked in case there is a battle inoculation training exercises or demonstration with live ammunition, during which the death occurs whereas, in the present case, the death of the husband of the petitioner was due to the fight in drunken state between two Soldiers and that too not during any training exercise or live ammunition demonstration.

11. No ground is made out for any interference by this Court in the



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facts and circumstances of the present case.

- 12. Accordingly, the writ petition is dismissed.
- 13. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

August 25, 2025
Varinder

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No

