

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 243/2026

Date of pronouncement: 09.02.2026

Date of uploading:

1. Union of India through its secretary to Government of India, Ministry of Defence, South Block, New Delhi-110011.
2. Additional Director General Personnel Services, Adjutant General's Branch, Integrated HQ of Ministry of Defence (Army), DHQ PO, New Delhi-110001.
3. The principal Controller of Defence Accounts (Pension), Draupadi Ghat, Allahabad, Uttar Pradesh-211014
4. The Officer Incharge Records JAK LI RECORDS, PIN-911097, C/O 56 APO

Through:-

.... Petitioner/Appellant(s)
Mr. Vikas Sharma, CGSC

V/s

1. Smt. Parveen Kaur, WD/O NO. 9088723H Ex. NK (Late) Ishwar Singh, R/o Village Palli More, PO Bari Brahmana, Tehsil and District Jammu.

Through:-

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER (ORAL)

1. This is a petition by the Union of India and three others, filed under Article 226 of the Constitution of India, throwing challenge to the order and judgment dated 14.01.2025, passed by the Armed Forces Tribunal, Regional Bench, Srinagar at Jammu [“AFT”] in OA No. 68/2021, titled “Parveen Kaur Vs. Union of India and others”, whereby, the AFT has allowed the OA filed by the respondent and directed the petitioners to pay the Special Family Pension to the respondent, restricting the arrears only to three years from the date of filing of the OA. The respondent has also been held entitled to interest @ 6% per annum.
2. The impugned judgment is challenged by the petitioners primarily on the ground that the AFT has not appreciated that the medical authority had clearly stated that the death of the deceased husband of the respondent was neither attributable to nor aggravated by military service and, therefore, the respondent was not entitled to Special Family Pension.
3. Having heard learned counsel for the petitioners and perused the material on record, it is necessary to set out Regulation 213 of the Pension Regulations for the Army, 1961 (Part-1), which is reproduced as under:
 - (a) A Special Family Pension may be granted to the family of an individual if his death was due to or hastened by:
 - (i) wound, injury or disease which was attributable to military service; or
 - (ii) the aggravation by military service of a wound, injury or disease, which existed before or arose during military service.
4. From a reading of the regulation, it clearly transpires that Special Family Pension is admissible to the family of an individual if his death was due to or hastened by a wound, injury or disease attributable to military service or aggravated by such service.

5. In the instant case, the husband of the respondent, namely NK Ishwar Singh, was suffering from “Acute Myocardial Infarction”, a heart disease, and was found dead in the room of a Brigadier on 26.12.2000. With a view to finding out the cause of death, the petitioners instituted a Court of Inquiry, which rendered its opinion on 12.02.2001 that the death of NK Ishwar Singh, was attributable to Army service. This opinion of Court of Inquiry was also confirmed by the Station Commander.
6. It seems that when the record was examined by the medical authority, it came to the opinion that the death of NK Ishwar Singh was neither attributable to nor aggravated by military service. This opinion was rendered by the medical authority on 09.07.2001, and the basis of such decision was a previous 14 days’ Charter of Duties.
7. We have gone through the medical record and could not find any good reasons given by the medical authority to differ with the view of the Court of Inquiry dated 12.02.2001, which was later confirmed by the Station Commander. We also do not find any logic in the reasoning given by the medical authority that they verified the previous 14 days’ Charter of Duties of the deceased, and were of the opinion that such duties did not carry any stress and strain aggravating the disease, which resulted into the death of NK. Ishwar Singh. The 14 days’ Charter of Duties is not sufficient to deny any casual connection between the death of the deceased with the military service. Indisputably, the husband of the respondent was a patient of “Acute Myocardial Infarction”, a heart disease, which was likely to be aggravated by the stress and strain of the duty, which an Army personnel is supposed to perform in the Army. This issue has already been dealt with by this Court in a judgment titled “**Union of India Vs. Nirman Singh**

Jamwal”, WP(C) No. 3173/2023 and clubbed matters, which was decided by this Court on 13.11.2025.

8. Apart from the reasons which we have given hereinabove, the instant case is fully covered by the aforesaid judgment. The impugned judgment does not call for any interference by this Court. This petition is, accordingly, **dismissed**.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

Jammu:
09.02.2026
Shafqat

