



Sr. No. 51

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 2422/2024
CAV No. 1869/2024 c/w
WP (C) No. 1277/2024
WP (C) No. 1710/2024

Pronounced on: 01.04.2026
Uploaded on: _____

Union of India

.... Petitioner/Appellant(s)

Through:- Mr. Rohan Nanda, CGSC

V/s

Bansi Lal

.....Respondent(s)

Through:- Mr. B.S. Sarmal, Advocate
Mr. Amit Singh, Advocate
Mr. P.L. Sharma, Advocate

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE
ORDER(ORAL)

CM No. 116/2025 in WP (C) No. 1710/2024

(Union of India and others Vs. Naik Sardari Lal).

1. This is an application for substitution of legal heir of the respondent- Naik Sardari Lal, who is stated to have died on 21.02.2024 i.e., during the pendency of this petition, leaving behind his wife, Shankuntla Devi, as the sole surviving legal heir entitled to the benefit of family pension.
2. The application for the reasons, stated therein, is allowed and, Shankuntla Devi, wife of Late Naik Sardari Lal respondent (herein) is taken on record as the legal representative.
3. Registry to update the cause title.

WP (C) No. 2422/2024

WP (C) No. 1277/2024 & WP (C) No. 1710/2024

1. The issue raised in all these petitions is squarely covered by and fully answered by the Honb'le Supreme Court in case titled "**Union of India and others Vs. Balakrishnan Mullikote**", 2026 SC INSC 286 in



Paragraphs 47 & 48 of the judgment (supra). It has been held that the Union of India, through the Ministry of Defence, shall determine the length of qualifying service in accordance with Paragraphs 9 & 18 of the Pension Regulations of 1961 & 2008 respectively, as well as Note 5 appended to the letter dated 30.10.1987 and, if upon determination of length of qualifying service, there remains a shortfall of one year or less, the respondents would be entitled to seek condonation of such deficiency for the purpose of pension eligibility in accordance with Paragraph 125 of the Pension Regulations, 1961, or Paragraph 44 of the Pension Regulations, 2008. The Hon'ble Supreme Court has also taken note of its earlier verdict rendered in case titled "**Union of India Vs. Surender Singh Parmar, (2015) 3 SCC 404.**"

2. In view of the aforesaid, no further adjudication on the issues raised in these petitions is called for. These petitions, are accordingly, disposed of, being fully covered by the judgment of **Balakrishnan Mullikote** (supra) with a direction to the Union of India to process the cases of the respondents for the service element of the pension, strictly going in compliance with the directions contained in the judgment of **Balakrishnan Mullikote** (supra).
3. Let the needful be done within a period of six months from today.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

Jammu:
01.04.2026
Shafqat

Whether this order is speaking: Yes/No
Whether this order is reportable: Yes/No