



2025:DHC:6236-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 9135/2025, CM APPLs. 38805/2025 & 38806/2025

UNION OF INDIA & ORS.Petitioners

Through: Ms. Avshreya Pratap Singh
Rudy, Sr. PC with Ms. Usha Jamnal, Ms.
Harshita Chaturvedi, Advs. for UOI with
Major Anish Muralidhar (ARMY)

versus

BINDU CHADHARespondent

Through: Mr. Chaitanya Agarwal, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

29.07.2025

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C. HARI SHANKAR, J.

1. The respondent is the widow of late Major Sanjeev Chadha.
2. Major Sanjeev Chadha joined the Indian Army on 11 June 1998 and, while he was on leave during his posting at HQ (Technical Group), EME, New Delhi suffered an Intra Cerebral Haemorrhage¹ resulting in his death. The respondent, as his widow, claimed Special Family Pension in terms of Regulation 105 of the Army Pension Regulations, 2008. Her request being rejected, she knocked at the doors of the Armed Forces Tribunal² by way of OA 2661/2022³.

¹ "ICH", hereinafter

² "the Tribunal", hereinafter

³ **Bindu Chadha v UOI**



3. The respondent's OA has been allowed by the Tribunal by order dated 3 November 2023. The Union of India has approached this Court against the said decision by means of the present writ petition.

4. We have heard Ms. Avshreya Pratap Singh Rudy, learned Senior Panel Counsel for the petitioners and Mr. Chaitanya Agarwal, learned Counsel for the respondent.

5. The provision which deals with payability of Special Family Pension is Regulation 105 of the Army Pension Regulations 2008, which reads thus :

“105. (a) Special family pension may be granted to the family of Service personnel if his death occurred in the circumstances mentioned in category B and category C of Regulation 82 of these Regulations due to or hastened by:

(i) a wound, injury or disease which was attributable to military service,

or

(ii) was due to aggravation by service of a wound, injury or disease which existed before or arose during service and in case of death after retirement/discharged. Provided that the service personnel had retired/discharged otherwise than voluntarily/at own request on compassionate grounds before completion of terms of engagement.

(b) The question whether death is attributed to or aggravated by military service shall be determined under the Entitlement Rule For Casualty Pensionary Awards, 1982 contained in APPENDIX-IV to these Regulations.”

6. Thus, it is clear that special family pension is payable to family of such personnel who die in the circumstances mentioned in Category (B) or Category (C) of Regulation 82 of the Army Pension



Regulations and whose death is either attributable to or aggravated by military service.

7. As per the counter-affidavit filed by the petitioners before the Tribunal, the respondent was held to be disentitled to special family pension on the ground that the death of Major Sanjeev Chadha was neither attributable to nor aggravated by military service, and his case did not fall under Category (B) of the Army Pension Regulations.

8. Insofar as the aspect of attributability or aggravation by military service is concerned, the law in that regard already stands laid down by a slew of decisions of this Court, following the judgment of the Supreme Court in *Dharamvir Singh v UOI*⁴ and *Bijender Singh v UOI*⁵, albeit in the context of disability pension. The criteria are the same. If a person suffers disability or ailment or injury which is attributable to or aggravated by military service, he is entitled to disability pension. The principles applicable while deciding whether the ailment or injury from which the officer is suffering is attributable to or aggravated by military service have been laid down in a number of decisions and stand thus extracted by our decision in *UOI v Ex Sub Gawas Anil Madso*⁶. Fundamentally, the following principles apply:

- (i) If there is no reference to the officer suffering from the ailment at the time of induction into military service, and the ailment/disability is found after he has rendered military service for a long period of time, the ailment/disability would be

⁴ (2013) 7 SCC 316

⁵ 2025 SCC OnLine SC 895

⁶ 2025 SCC OnLine Del 2018



presumed to be attributable to military service.

(ii) Else, the Medical Board which assesses the respondent has to clearly opine that the ailment/disability was one which *could not be detected* at the time of his entering service, or was attributable to some other cause, which has to be specifically identified.

(iii) In default thereof, the ailment/disability would have to be regarded as attributable to military service.

9. This decision has been followed by a Coordinate Bench of this Court in *UOI v Balbir Singh*⁷.

10. It is not in dispute that at the time of entry into service, Major Chadha was not noted as suffering from hypertension. Ultimately, however, after he had served in the Army for 12 years, he suffered an ICH and died as a result thereof and it was only in the post mortem report that the ICH was found to have occurred owing to hypertension. We have seen the post mortem report, and it merely states that Major Chadha died due to “Intra Cerebral Haemorrhage due to hypertension”.

11. No cause, other than military service, has been identified, either in the post mortem report or otherwise by the petitioners, as having caused the hypertension from which Major Chadha suffered.

⁷ Judgment dated 1 July 2025 in WP (C) 140/2024



12. As such, applying the law laid down in *Dharamvir Singh* and later decisions, it has to be held that the hypertension from which Major Chadha was found to be suffering, and which resulted in the ICH which caused his death, was attributable to or aggravated by military service.

13. Insofar as Category (B) in Regulation 82 of Army Pension Regulation is concerned, it reads thus:

“Category B

Death or disability due to causes which are accepted as attributable to or aggravated by military service as determined by the competent medical authorities. Disease contracted because of continued exposure to hostile work environments subject to extreme weather conditions or occupational hazards resulting in death or disability would be examples.”

Category (B) in Regulation 82, therefore, also regards death or disability which are due to causes which are accepted as attributable to or aggravated by military service as determined by competent medical authorities, as sufficient for the purposes of Regulation 105.

14. As such the aforesaid principles laid down in *Dharamvir Singh*, *Bijender Singh* and the judgment of this Court would also apply in so far as Category (B) is concerned.

15. In these circumstances, therefore, we find no cause to interfere with the impugned judgment of the learned Tribunal, in so far as it holds the respondent to be entitled to Special Family Pension, especially given the limited scope of interference under Article 226 of the Constitution of India. We are not sitting in appeal over the



decision of the Tribunal.

16. We have also impressed on Ms. Rudy, learned Senior Panel Counsel, appearing for the petitioners that, in cases such as this, where the issue at stake is the entitlement of a widow, whose husband has died after serving in the Armed Forces for several years, the authorities may have a re-think as to whether to carry the matter to this Court. Were we to issue notice, the respondent, who is already suffering after the death of her husband, would have to endure one more round of litigation, with all its unenviable sequelae. In some cases, we feel that the petitioners must gracefully let the matter rest with the decision of the Tribunal. Every perceived *lis* need not be made the matter of adversarial litigative contest.

17. This is not intended to be a criticism. We appreciate the fairness of the stand adopted by Ms. Rudy as well as Major Anish Muralidhar, who instructed her, in the present case, though they initially contested the matter, as they were duty bound to do.

18. With these observations, this writ petition is dismissed.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

JULY 29, 2025/aky