2026:PHHC:191023-DB

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

101 **LPA-1560-2019 (O&M)**

UNION OF INDIA **…..APPELLANT**

Vs.

SMT. KAMLESH AND ANOTHER **…..RESPONDENTS**

Sr. No.	Particular	Details
1	The date when the judgment is reserved	09.10.2026
2	The date when the judgment is pronounced	15.10.2026
3	The date when the judgment is uploaded on the website	16.10.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE RAJESH GAUR

Argued by: Mr. Sunil Kumar Sharma, Advocate
Senior Panel Counsel, UOI
for the appellant.

Mr. S.K. Chauhan, Advocate
for respondent No.1.

Ms. Svaneel Jaswal, Addl. AG, Haryana
for respondent No.2.

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RAJESH GAUR, J.

1. The jurisdiction of this Court has been invoked by the appellant by way of filing the present Letters Patent Appeal, challenging the judgment dated 02.05.2019 passed by the learned Single Judge in CWP No. 8008 of

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2017, whereby the writ petition preferred by respondent No.1 was allowed, directing the appellant to release the admissible benefits under the Swatantarta Sainik Samman Pension Scheme, 1980.

2. Learned counsel for the appellant submits that the learned Single Judge failed to appreciate that the father of respondent No.1 had never applied for pension under the Central Government Scheme during his lifetime and, therefore, respondent No.1 was not entitled to claim dependent pension after his demise. Reliance has also been placed upon Clause 1.5 of the revised policy guidelines dated 06.08.2014, as well as on the distinction between the present case and the judgment rendered by this Court in ***LPA No. 1721 of 2015, titled as Khajani Devi Vs Union of India and others, decided on 29.07.2016***

3. Heard learned counsel for the parties and perused the record.

4. A perusal of the record leaves no manner of doubt that the material facts are undisputed. It stands established from the documents placed on record that Sh. Data Ram, father of respondent No.1, had participated in the freedom struggle as a member of the Indian National Army. His status as a freedom fighter was duly recognized by the State Government, as is evident from the order dated 11.08.1981 (Annexure P-5), whereby financial assistance was sanctioned in his favour. The record further establishes that, upon his demise, the said benefit was extended to his widow, Smt. Channo Devi, who continued to receive the same till her death.

5. Respondent No. 1, being the widowed daughter of the deceased freedom fighter, sought the benefit of dependent pension, which was

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declined by the appellant primarily on the ground that her father had not applied for pension under the Central Government Scheme during his life time.

6. We are of the considered view that the matter cannot be examined in isolation from the object and purpose underlying the Scheme. The Swatantarta Sainik Samman Pension Scheme is a beneficial measure intended to acknowledge the scarifies made by freedom fighters and to provide financial assistance to their eligible dependents. While the conditions prescribed under the Scheme are required to be fulfilled, their application must remain consistent with the object sought to be achieved.

7. The documentary evidence available on record establishes that Sh. Data Ram was recognized as a freedom fighter by the State Government and was sanctioned financial assistance in that capacity. The appellant has sought to resist the claim of respondent No.1 principally on the ground that Sh. Data Ram had neither applied for nor been sanctioned pension under the Central Scheme during his lifetime, and that the relevant policy guidelines do not permit posthumous sanction of such pension. However, the recognition accorded by the State Government and the documents supporting the same constitute material evidence which was required to be considered while examining the claim of respondent No.1. The said evidence could not have been disregarded solely on account of the absence of prior sanction of pension under the Central Scheme.

8. Insofar as Clause 1.5 of the revised guidelines dated 06.08.2014 is concerned, the same cannot be read divorced from the provisions of the Scheme and the factual circumstances of the case. The appellant has not

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been able to satisfactorily establish that the said provision, by itself, constitutes an absolute bar, to consideration of the claim of respondent No.1, notwithstanding the documentary material supporting her father's participation in the freedom struggle.

The learned Single Judge has also taken note of the judgment in ***Khajani Devi*** (supra), wherein the entitlement of a dependant daughter under the Scheme was considered. The distinction sought to be drawn by the appellant does not, in our view, furnish sufficient ground to interfere with the ultimate conclusion reached by the learned Single Judge.

9. We may observe, that Swatantra Sainik Samman Pension Scheme, being a beneficial measure intended to honour the sacrifices made by freedom fighters and to extent assistance to their eligible dependents, deserves to be implemented in its true spirit. The authorities, while considering claims under the Scheme, are expected to adopt a fair and reasonable approach, giving due weight to the documentary evidence available on record. A claim otherwise found to be admissible under the Scheme ought not to be denied merely on technical considerations that do not go to the root of entitlement.

10. In these circumstances, we are satisfied that the learned Single Judge has considered the controversy in the proper perspective and has taken a view which does not call for interference in exercise of our intra-court appellate jurisdiction. No patent illegality or perversity in the impugned judgment has been demonstrated before us.

11. Consequently, finding no merit in the present appeal, the same is hereby dismissed.

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12. The judgment dated 02.05.2019 passed by the learned Single Judge is upheld. The appellant shall give effect to the directions contained in the impugned judgment and release the admissible benefits to respondent No. 1 in accordance with law, expeditiously, preferably within a period of eight weeks from the date of receipt of a certified copy of this order.

13. Pending application(s), if any, shall also stand disposed of.

(SUVIR SEHGAL)
JUDGE

(RAJESH GAUR)
JUDGE

15.10.2026
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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