Sr. No. 03

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No.3165/2026

Satya Devi .....Petitioner(s)

Through :- Mr. Chakshu Sharma, Advocate
(Through Virtual Mode)

v/s

Union of India and others .....Respondent(s)

Through :- Mr. Vishal Sharma, DSGI with
Mr. Karan Sharma, CGSC

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

ORDER
05.10.2026

01 Impugned in this petition, filed by one Smt. Satya Devi W/o Lt. Sepoy Talib Singh, is an order dated 06.07.2026 passed by the Hon'ble Armed Forces Tribunal, Regional Bench Srinagar at Jammu ["the Tribunal"] in O.A. No.151/2024, whereby the Tribunal has dismissed O.A. of the petitioner, primarily, on the ground that on the same cause of action and for claiming same relief, the petitioner had approached the Tribunal earlier by way of O.A. No.112/2021 titled "*Smt. Satya Devi Vs. Union of India & Ors."* which was dismissed by the Tribunal vide an order and judgment dated 21.02.2023.

02 Having heard learned counsel for the parties and perused the material available on record, we find that in the O.A. No.112/2021 filed before the Tribunal, the petitioner had prayed for grant of Special Family Pension which claim was rejected by the Regional Bench of the Tribunal vide order dated 21.02.2023. However, in view of the later development i.e. the judgment dated 11.03.2022 passed by the AFT (RB) Lucknow in O.A No.368/2021 titled

"*Ex Recruit Chhote Lal Vs. Union of India & Ors*.", the late husband of the petitioner, who had retired on 24.12.1970 also became entitled to the benefit of invalid pension declared by the Govt. of India, Ministry of Defence vide its communication dated 16.07.2020. In view of the judgment rendered by the Lucknow Bench of the Tribunal in Chhote Lal (supra) and later judgment of the Tribunal in the case of "*A. K. Thapa Vs. Union of India & Ors*." [O.A. No.2240/2019], decided by the Principal Bench, New Delhi on 07.07.2023, a fresh cause of action accrued to the petitioner to approach the Tribunal and contend that in view of the later development of law, the late husband of the petitioner was entitled to invalid pension and, therefore, upon his death, the petitioner would be entitled to family pension.

03 This aspect of the matter has not been considered by the Tribunal. It is true that petitioner could not have filed the second petition on the same cause of action and for claiming the same relief, however, nothing could prevent the petitioner to approach the Tribunal again, if the relief claimed in the subsequent O.A is based upon a fresh cause of action.

04 For the foregoing reasons, we find merit in this petition. The same is, accordingly, allowed and order impugned dated 06.07.2026 is set aside. The matter is remanded back to the Tribunal for its decision on merits.

05 The parties shall appear before the Tribunal on **16.11.2026**.

(MA Chowdhary)
Judge

(Sanjeev Kumar)
Judge

JAMMU
05.10.2026
Shammi

SHAMMI KUMAR
2026.10.05 17:00
I attest to the accuracy and
integrity of this document