



CWP-27101-2025 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CWP-27101-2025 (O&M)
Date of Decision :11.09.2025

Union of India and others

..Petitioners

Versus

Ex Hav Jasmer Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present: Ms. Gurmeet Kaur Gill, Senior Panel Counsel
for the petitioners-UOI.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, challenge is to the impugned order dated 07.09.2021 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Regional Bench Chandigarh (for short, 'the Tribunal') wherein, the direction has been given that the Re-survey Medical Board (RSMB) be constituted so as to assess the percentage of disability of the respondent No.1.
2. Learned counsel for the petitioners submits that the said directions could not have been given by the Tribunal as, the respondent No.1 had approached after a long delay from the date he was invalidated out of service.
3. We have heard learned counsel for the petitioners and have gone through the record with her able assistance.
4. The order dated 07.09.2021 (Annexure P-1) passed by the



Tribunal is as under:

“ Heard the learned counsel for the applicant through Video conferencing and ht learned counsel for the respondents in person and perused the record.

*The only prayer of the learned counsel for the applicant is that the respondents may be directed to hold the Re-survey Medical Board of the applicant because he is still suffering from the same disability with which he was suffering at the time of his retirement from service on 30.04.1988 which was 20% for two years and process his case for disability pension in case he is till found suffering from the disability in term of law laid down in **Dharamvir Singh vs. UOI & others (2013) 7 SCC 316, dated 02.07.2013 and UOI Vs. Rajbir Singh (2015) 12 ASCC 264’.***

In view of the above submission of the learned counsel for the applicant, the respondents are directed to hold the RSMB of the applicant within three months from the date of receipt of the copy of this order. If the applicant is still found suffering from same disability, his case shall be processed in view of the law laid down in Dharamvir Singh’s and Rajbir Singh’s case (supra) and in that case the arrears shall be restricted to three years prior to the date of filing of this Original Application, i.e., 09.03.2021.

With the above direction, this matter is finally disposed of. However, it is made clear that if the applicant feels aggrieved by the administrative authorities, he shall be at liberty to come to this Tribunal again against the order (s) of the authority concerned.

The O.A is disposed of accordingly.”

5. A bare perusal of the above would show that the only direction given by the Tribunal was to conduct the Re-survey Medical Board (RSMB) so as to find out whether the respondent No.1 is still suffering from the



CWP-27101-2025 (O&M)

-3-

disease which led to his invalidation or not. The said direction need not to be interfered with especially after a period of four years of the said direction given to the petitioners. A writ petition is being filed by the petitioners after a period of four years rather than constituting a Re-survey Medical Board to assess the percentage of disability of the respondent No.1.

6. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case and the same is accordingly dismissed.

7. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 11, 2025

aarti

Whether speaking/reasoned : Yes

Whether reportable : No