



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CWP-28828-2025 (O&M)

Date of Decision: September 25, 2025

Union of India and others

.....Petitioner(s)

Vs.

No.14457040 Ex. Gnr Balwinder Singh
and another

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MRS. JUSTICE RAMESH KUMARI**

Present: Ms. Bhavana Datta, Senior Panel Counsel
for the petitioners-UOI.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the challenge is to the order dated 08.12.2023 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Chandigarh Bench, Chandigarh, (in short, 'the Tribunal'), by which the benefit of disability pension has been allowed in favour of the respondents.

2. Learned counsel submits that the respondent was invalidated out in the year 1982 due to disease "Generalised Seizure Grand Mal Epilepsy".

3. Learned counsel submits that invalid pension has been allowed in favour after a period of 41 years which is causing prejudice to the petitioner. He further submits that the claim should have been denied on the ground of delay itself.

4. We have heard learned counsel for the petitioners and have gone through the case file with her able assistance.

5. Only argument raised is qua delay in claiming the relief. As per the principle of law as settled by Hon'ble Supreme Court of India in Civil Appeal No. 4100 of 2022 titled as **Shri M.L. Patil (Dead) through LRs Versus The State of Goa and another**, decided on 20.05.2022. The relevant paragraph of the judgment is as under:-

“3. Having heard Shri Rahul Gupta, learned counsel appearing on behalf of the appellant and Shri Ravindra Lokhande, learned counsel appearing on behalf of the respondent – State of Goa and considering the fact that even by the impugned judgment and order, the High Court has held that action of the State Government in requiring the original petitioners to retire at the age of 58 years or not permitting them to continue in their service upto the age of 60 years is illegal and null and void, we are of the view that the High Court has erred in observing that the appellant will not be entitled to any arrears of pension and the pension at the revised rates will become payable only from 1st January, 2020. As such, the High Court may be right and/or justified in denying any salary for the period of two extra years to the writ petitioners if they would have continued in service, on the ground of delay. However, as far as the pension is concerned, it is a continuous cause of action. There is no justification at all for denying the arrears of pension as if they would have been retired/superannuated at the age of 60 years. There is no justification at all by the High Court to deny the pension at the revised rates and payable only from 1st January, 2020. Under the circumstances, the impugned judgment and order passed by the High Court is required to be modified to the aforesaid extent.

4. In view of the above and for the reasons stated above, the present Appeal Succeeds in Part. The impugned judgment and order passed by the High Court to the extent of denying any arrears of pension and holding that the appellant shall be entitled to the pension at the revised rates only from 1st January, 2020 is hereby quashed and set aside. It is held and ordered that the appellant –original writ petitioner shall be entitled to pension at the revised rates from the date he attains the age of 60 years. Now the arrears accordingly shall be paid to the appellant within a period of four weeks from today. Present Appeal is Partly Allowed to

the aforesaid extent. In the facts of the case, there shall be no order as to costs.”

6. Furthermore, it may be noticed that the Tribunal while passing the impugned order has taken into consideration the fact that the respondent claimed the pension after a delay of 41 years and has restricted the arrears for a period of three years prior to the filing of the original application which takes care of the prejudice being expressed by the learned counsel for the petitioners.

7. No other argument is raised. Keeping in view the above, as no perversity in the order either on fact or on law has been pointed out, the writ petition is accordingly dismissed.

8. Pending application(s), if any, stands disposed of

(HARSIMRAN SINGH SETHI)
JUDGE

(RAMESH KUMARI)
JUDGE

September 25, 2025
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Whether speaking/reasoned: Yes
Whether reportable: No