



CWP-28805-2025 (O&amp;M)

-1-

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

133

CWP-28805-2025 (O&M)  
Date of Decision :25.09.2025

Union of India and others

...Petitioners

**Versus**

Ex DFR Satwinder Singh and another

...Respondents

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

Present: Mr. Karan Kumar Jund, Senior Panel counsel  
for petitioners-UOI.

\* \* \*

**Harsimran Singh Sethi, J. (Oral)**

1. In the present petition, the challenge is to the impugned order dated 22.08.2023 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh (in short, 'the Tribunal') by which, the benefit of disability pension @ 75% as against 60% for life from the day next to date of his discharge from service i.e. 01.05.2021, has been granted in favour of the respondent No.1 by the Tribunal.

2. Learned counsel for the petitioners-UOI submits that though, the total disability of "Compound Fracture Femur (RT) (OPTD) and Compound Fracture Tibia Fibula (RT) (OPTD)" suffered by the respondent No.1 was 60% but, the same was assessed as neither attributable to nor aggravated by the Military service but still the benefit has been granted by the Tribunal.

3. Learned counsel for the petitioners-UOI further argues that the



injury suffered by the respondent No.1. was not on a bonafide military duty as the same was suffered in an accident while availing the annual leave hence, the Tribunal did not appreciate the facts of the present case in a correct perspective while granting the relief in favour of the respondent No.1.

4. We have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Firstly, learned counsel for the petitioners-UOI has not been able to dispute the fact that even while on annual leave, an officer is to be treated as being on duty, for all intent and purposes as per Army Regulations. In the present case, the accident was suffered by the respondent No.1 during his annual leave and that too while going to book a ticket for his return journey to the unit. Once, the said fact has not been rebutted, the injury which was suffered in the accident, has to be treated as attributable to the military service.

6. The Hon'ble Supreme Court of India in **Civil Appeal No.1926 of 1999, titled as Madan Singh Shekhawat vs. Union of India and others, decided on 17.08.1999**, held that the grant of disability pension is governed by the various rules in the Defense Service Regulations and as per Rule 10 of the said Regulations, even the period of casual leave counts as duty period. Further, in case where an army personnel is travelling either for the purpose of joining or to join the family back after coming from the unit or vice versa, the same is to be treated as part of the duty. Hence, it cannot be said that the respondent No.1 while going to book the ticket for the return journey to join the Unit and that too, while being on duty and met with an



accident on the way which, led to the injury, is not attributed to or connected with the military service.

7. The same issue was again considered by the Hon'ble Supreme Court of India in **Civil Appeal No.2433 of 2011, titled as Union of India and another vs. Surendra Pandey, decided on 18.09.2014** wherein it has been held that travelling back to join the family from the Unit and meeting with an accident on the way, has to be treated as connected with and attributed to the military service so as to grant the special family pension to the wife of the deceased officer. The reliance was placed upon the judgment in **Madan Singh Shekhawat's case (supra)**.

8. While deciding the **Civil Appeal No. 5625 of 2008, titled as Ravindran P.M. vs. Union of India and others, decided on 11,09.2008,** Hon'ble Supreme Court of India has held that when an officer meets with an accident while in possession of an outpass, which outpass gives the jurisdiction to the personnel concerned to travel outside the military area, the happening of an accident during such travel and injuries suffered or the death occurred during such travel has to relate to and attributed to military service so as to grant the benefit of disability pension in case of injury or the special family pension in case of death. The relevant paragraphs of the judgment is as under:-

*“This appeal is directed against the judgment and order dated 27th July, 2005 passed by the High Court in Kerala in O.P. No.13522(1) of 1997 dismissing the appellant's claim that he was entitled to disability pension, having suffered injuries in an accident while in possession of an 'out pass'.*

*On behalf of the appellant, who has enrolled*



*in the Army in 1980, it was submitted that since he had been involved in an accident while he was holding such 'out pass', it must be held that he was on duty at the relevant point of time. The High Court had negated the said stand and, accordingly, the appellant has filed the instant appeal.*

*Having heard learned counsel for the parties and having considered the answer from the Army authorities, addressed to the appellant on 2nd April, 2008, in reply to the application filed by him on 30<sup>th</sup> September, 2007 under the Right to Information Act, 2005 defining 'out pass' to be a permission accorded to an individual to proceed outside the unit precincts as per the customs of service and further clarifying that during the said period the person concerned is deemed to be on duty and continues to remain subject to the Army Act, we are inclined to accept the case made out by the appellant. It must also be indicated that the learned Additional Solicitor General was not in a position to dispute the said contention in view of the said communication from the Army authorities.*

*Accordingly, we allow the appeal, and upon holding that the appellant continued to be on duty while in possession of an 'out pass', we further hold that he would be entitled to disability pension as claimed by him."*

9. Thereafter, the same issue again came up for consideration before the the Hon'ble Supreme Court of India in **Civil Appeal No.4981 of 2012, titled as Secretary, Government of India and others vs. Dharambir Singh, decided on 20.09.2019**. The issue as to under what circumstances, an injury suffered or death can be treated as related to the Army service. The relevant extract of paragraph 36 is as under:-



*“36. (e) The hazards of Army service cannot be stretched to the extent of unlawful and entirely unconnected acts or omissions on the part of the member of the force even when he is on leave. A fine line of distinction has to be drawn between the matters connected, aggravated or attributable to military service, and the matter entirely alien to such service. What falls ex-facie in the domain of an entirely private act cannot be treated as legitimate basis for claiming the relief under these provisions. At best, the member of the force can claim disability pension if he suffers disability from an injury while on casual leave even if it arises from some negligence or misconduct on the part of the member of the force, so far it has some connection and nexus to the nature of the force. At least remote attributability to service would be the condition precedent to claim under Rules 173. The act of omission and commission on the part of the member of the force must satisfy the test of prudence, reasonableness and expected standards of behaviour.”*

10. A bare perusal of the above would show that though the Hon’ble Supreme Court of India held that hazards of the army service cannot be stretched to the extent of unlawful and entirely unconnected acts or omissions on the part of the member of the Force, when such officer is on leave, but a fine distinction has to be drawn between the matters connected, aggravated or attributable to the military service. The members of the Force can claim disability pension even if he suffers disability from an injury while on availing casual leave, even if it arises from some negligence or misconduct on the part of the member of the Force so far as it has some connection and nexus to the nature of the Force. At least, a remote attributability to the service would be the condition precedent to claim



benefit of pension under the relevant rules.

11. As per the law settled by Hon'ble Supreme Court of India, in case there is a correlation or remote connection of the injuries suffered or death occurred with the military service, the benefit of disability pension in case of the injury or special family pension in case of the death, can be claimed.

12. Further, the same issue again came up for consideration initially before the Tribunal but reached to the Hon'ble Supreme Court of India, wherein the claim was raised on the basis of the injuries suffered in a road accident while the officer was availing casual leave at home. The Tribunal granted the said benefit to the officer concerned and an appeal was preferred being **Civil Appeal No.122 of 2022, titled as Union of India and others vs. No.2869930A Ex. Hav. Dhanbir Singh, decided on 18.02.2022**, wherein the appeal was dismissed not only on the grounds of delay but on merit as well, which proves that even an injury suffered or death occurred by an army personnel while being on casual leave at home, can be attributed to the military service so as to claim the disability pension or the special family pension as the case may be

13. Learned counsel for the petitioners-UOI has not been able to rebut the said settled principles of law as well as the facts mentioned hereinbefore.

14. Keeping in view the fact that the learned counsel for the petitioners-UOI has not been able to prove that the impugned order dated 22.08.2023 (Annexure P/1) passed by the Tribunal is perverse either on the



**CWP-28805-2025 (O&M)**

**-7-**

basis of the facts and or settled principle of law, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

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

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

**September 25, 2025**

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*Whether speaking/reasoned : Yes*

*Whether reportable : No*

**(RAMESH KUMARI)**  
**JUDGE**