



255-1

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

CWP-8921-2025 (O&M)

Date of Decision: 7th July, 2025

UNION OF INDIA

.....*Petitioner(s)*

V/s.

NO. 2646980 EX. SEPOY (RESERVIST) UJAGAR SINGH AND ANOTHER

.....*Respondent(s)*

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present Mr. Charanjit Singh Bakhshi, Senior Panel Counsel,
for the petitioners-UOI.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The challenge in the present Writ Petition is to order dated 01.11.2023 passed by the learned Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as "the AFT") whereby the OA preferred by respondent No.1 was allowed.

2. Learned counsel for the petitioners submits that the invalid pension or reservist pension cannot be granted to the persons, who had retired long back. However, we find that in the case of Union of India and Another Vs. Surender Singh Parmar ; (2015) 3 SCC 404, the Hon'ble Supreme Court has held as under:-

9. *In view of the aforesaid provision, the respondent is also entitled to claim for condonation of shortfall in qualifying service for grant of pension beyond six months and upto 12 months. If the aforesaid power has not been exercised by the competent authority in proper case then it was within the jurisdiction of the High Court or Tribunal to pass appropriate order directing the authority to condone the shortfall and to grant pension to the eligible person, which has been done in the present case and we find no ground to interfere with the substantive finding of the Tribunal. However as we find that the respondent was allowed to*



retire from service on 24th June, 1985 when the instruction dated 14th August, 2001 was not in existence, we hold that the respondent is entitled for such benefit from such date on which the said instruction came into effect. The Tribunal failed to notice the aforesaid fact but rightly declared that the respondent's shortfall in service stands condoned. In the facts of the case, we are of the view that it should have been made clear that the respondent shall be entitled to benefit w.e.f. 14th August, 2001 and not prior to the said date. The order passed by the Tribunal stands modified to the extent above. The appeal stands disposed of with aforesaid observations.”

3. In view of the above and considering that the AFT has followed its earlier judgment, no interference in the present Writ Petition is warranted. Accordingly, the Writ Petition is **dismissed**.

4. All pending applications in this case are disposed of accordingly.

**[SANJEEV PRAKASH SHARMA]
JUDGE**

**[MEENAKSHI I. MEHTA]
JUDGE**

July 7, 2025

Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>