



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

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CWP-28887-2025 (O&M)

Date of Decision: September 25, 2025

Union of India and others

.....Petitioner(s)

Vs.

Smt. Khujani and another

.....Respondent(s)

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

Present: Mr. Vikas Sharma, Senior Panel Counsel
for the petitioners-UOI.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the challenge is to the impugned order dated 09.08.2018 (Annexure P-2) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh, (in short, 'the Tribunal') by which, the husband of respondent No.1 has been allowed the benefit of rounding off the disability element of disability pension @ 50% as against 20% w.e.f. 01.01.1996 to 17.11.2009 i.e. the death of husband of respondent No.1.

2. Learned counsel for the petitioner argues that the disability of 20% has wrongly rounded off to 50% by the Tribunal while passing the impugned order dated 09.08.2018, hence, the same should be set aside.

3. Learned counsel for the petitioners places reliance upon the report of medical examination of husband of respondent No.1 to contend that though the disability has been found in husband of respondent No.1, which was



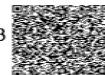
attributed to the military service and he was granted disability pension keeping in view the disability of 20% as assessed by the medical Board but now the grant of benefit of rounding off the disability pension to husband of respondent No.1 by rounding off the disability element @ 50% as against 20% w.e.f. 01.01.1996 to 17.11.2009 by placing reliance upon the judgment of the Hon'ble Supreme Court in ***Civil Appeal No.418-2012 Union of India and others vs. Ram Avtar***, decided on 10.12.2014 is incorrect and the facts of the present case have not been appreciated in correct perspective by the Tribunal while passing the impugned order dated 09.08.2018 (Annexure P-1).

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

5. It is conceded that the disability suffered by the husband of the respondent was attributable to the military service and the disability pension was being paid to him. Once, the said fact is conceded, as per the settled in ***Ram Avtar's Case***, the said disability has been rounded off and in the present case the disability of the husband of the respondent has rightly been rounded off to 50%.

6. It is a conceded fact that at the time when husband of respondent No.1 was discharged from service on 31.01.1978 on completion of his terms of engagement under Army Rule 13(3) Item I (i), he had already rendered 15 years and 04 days of service with the petitioners-Union of India, he was found suffering from Primary Hypertension and disability was 20% which was held to be attributable to the Army and disability pension was granted.

7. As per the order of the Tribunal, husband of the respondent No.1 once entitled for disability pension at the time of discharge in 1978, he is



entitled for the benefit of rounding off as per policy of Government of India and the law settled by the Hon'ble Supreme Court of India in **Ram Avtar's case** (supra) and his widow Smt. Khujani is held entitled for the same benefit w.e.f. 01.01.1996 to 17.11.2009. Relevant paragraph of the judgment in **Ram Avtar's case (supra)** is as under:-

“4. By the present set of appeals the appellant(s) raise the question, whether or not, an individual, who has retired on attaining the age of superannuation or on completion of his tenure of engagement, if found to be suffering from some disability which is attributable to or aggravated by the military service, is entitled to be granted the benefit of rounding-off of disability pension. The appellant(s) herein would contend that, on the basis of Circular No. 1(2)/97/D(Pen-C) issued by the Ministry of Defence, Government of India, dated 31.01.2001, the aforesaid benefit is made available only to an Armed Forces Personnel who is invalidated out of service, and not to any other category of Armed Forces Personnel mentioned hereinabove.

8. We do not see any error in the impugned judgment(s) and order(s) and therefore all the appeals which pertain to the concept of rounding-off of the disability pension are dismissed, with no order as to costs.

9. The dismissal of these matters will be taken note of by the High Courts as well as by the Tribunals in granting appropriate relief to the pensioners before them, if any, who are getting or are entitled to the disability pension.”



10. Further, in a recent judgment in Civil Appeal No.11311 of 2025 titled as ***Union of India and others vs. Reet MP Singh and another, decided on 01.09.2025***, the Hon'ble Supreme Court of India by placing reliance upon ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761*** as well as ***Bijender Singh vs. Union of India and others, 2025 SCC Online SC 895***, has again reiterated that the benefit of rounding off the disability element cannot be denied.

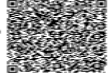
11. Learned counsel for the petitioners has not been able to dispute the said proposition of law having been settled by the Hon'ble Supreme Court of India in ***Ram Avtar's case (supra)*** and ***Reet MP Singh's case (supra)*** to the effect that percentage of disability is to be rounded off and when applied in present case, disability of 20% is to be rounded off to 50%.

12. Keeping in view the facts and circumstance of the present case as well as the settled principle of law settled in ***Ram Avtar's case (supra)*** and ***Reet MP Singh's case (supra)*** once at the time of selection, husband of respondent No.1 was medically examined and was found fit in all respects and it was only during the service, husband of respondent No.1 was found suffering from 'Primary Hypertension' that being so, claim of respondent No.1 for the benefit of rounding off of the disability element of disability pension from 20% to 50% has rightly been allowed by the Tribunal.

13. Learned counsel for the petitioner has not been able to show as to how the order passed by the Tribunal is perverse either on facts or on law.

14. No other argument has been raised.

15. Hence, in the absence of any perversity being pointed out in the impugned order dated 09.08.2018 (Annexure P-1) either on the basis of the



facts or the settled principle of law, no ground is made out for any interference by this Court in the facts and circumstances of the present case and the **writ petition is accordingly dismissed.**

16. 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