



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

(113)

CWP-26124-2025

Date of Decision : September 04, 2025

Union of India and others

.. Petitioners

Versus

Shamsher Singh and another

.. Respondents

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

Present: Ms. Angel Walia, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the challenge is to the impugned order dated 26.09.2024 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Chandigarh, (for short, 'the Tribunal') by which, respondent No.1 has been allowed the benefit of war injury pension by rounding off the disability element @ 100% as against 80% w.e.f. 01.12.2004 to 31.12.2015 on the ground that the same is perverse.

2. The only argument raised by the learned counsel for the petitioners is that as the injury was suffered by the respondent No.1 on the account that he was serving in the field area during Operation Rakshak and suffered injuries due to enemy's mine blast hence, though the injury suffered by respondent No.1 has been treated to be attributable to the military service



but, the same cannot be rounded off so as to grant the benefit of disability pension to respondent No.1 by rounding off the disability element @ 100% as against 80% w.e.f. 01.02.2004 to 31.12.2015 by placing reliance upon the judgment of in *Civil Appeal No. 5591-2006 titled as KJS Buttar vs. Union of India and another, decided on 31.03.2011* and *Civil Appeal No.418-2012 Union of India and others vs. Ram Avtar, decided on 10.12.2014*, as incorrect and the facts of the present case have not been appreciated in correct perspective by the Tribunal while passing the impugned order dated 26.09.2024 (Annexure P-1).

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

4. From the submissions made by learned counsel for the petitioners and perusal of file, it transpires that the grievance of the petitioners is only qua the aspect that benefit of rounding off the disability from 80% to 100%, war injury pension has been wrongly granted to respondent No.1 by the Tribunal vide order dated 26.09.2024 (Annexure P-1).

5. Further, as per the settled principle of law settled by Hon'ble Supreme Court of India in *Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761*, any officer serving in the Armed Forces, who had undergone the medical examination at the time of his/her selection and was found fit, subsequently upon suffering a disability, is entitled to the benefit of disability pension by rounding off the same as the presumption would be that



the disability suffered is attributable to the Military service. Relevant paras of the judgment in *Ram Avtar's case (supra)* are 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.

5. We have heard learned counsel for the parties to the lis.

6. 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.

7. 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.”

6. 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)* to the effect that percentage of disability is to be rounded off and when applied in present case, disability of 100% is to be rounded off to 80%.

7. As the respondent No.1 had suffered injuries due to enemy's mine blast during the posting at Operation Rakshak and the disability was assessed @ 80% from life and was attributable to the military service. The prayer of the respondent No.1, which has been accepted that the said disability of 80% should be rounded of to 100% for the grant of disability pension from the date the respondent was invalidated. The said issue is covered by the judgment in *Ram Avtar's case (supra)*.



8. Learned counsel for the petitioners has not been able to dispute the said fact.

9. No other argument has been raised.

10. Hence, in the absence of any perversity being pointed out in the impugned order dated 26.09.2024 (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.

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

(HARSIMRAN SINGH SETHI)
JUDGE

September 04, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No