



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

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CWP-29316-2025

Date of Decision: 29.09.2025

Union of India and others

....Petitioners

Versus

Sarup Singh and another

....Respondents

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

Present: Mr. Rajiv Sharma, Senior Panel Counsel and
Mr. Vinayak Atri, Advocate
for the petitioners.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 14.09.2023 (Annexure P-3) passed by respondent No.2 – Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as ‘the Tribunal), by which, the respondent is held entitled to the grant of disability element of disability pension @50% as against 30% from the next day of his discharge from service w.e.f. 01.10.2003.

2. The only argument raised by learned counsel for the petitioners is that the respondent is not entitled to the benefit of rounding off the disability pension from 30% to 50% by placing reliance upon the judgment of the Hon’ble Supreme Court of India in *Union of India and others vs. Ram Avtar*, 2014 SCC Online SC 1761, thus, the grant of benefit of disability pension to



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the respondent by rounding off 50% as against 30% 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 14.09.2023 (Annexure P-3).

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

4. In the present petition, it is being argued that the accident suffered by the respondent, in which the disability was suffered, cannot be treated as attributable to the military service so as to grant the benefit of disability pension and that too by rounding off the disability from 30% to 50%. It may be noticed that it has already come on record that the respondent was granted two months annual leave from 13.05.2000 to 11.07.2000 and he stated his journey from to the unit to his home on 13.5.2000 and when he reached Railway Station, Jind, he was to catch a bus to reach his native village and in order to reach the bus stand, he hired a cycle rickshaw and while going to the bus stand, he met with an accident, which led to the disability. In the present case, it cannot be said that either the respondent was negligent or there is no connection of the accident with the military service. In order to appreciate the same, the law on the issue has to be seen.

5. 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, the period of casual leave counts as duty period. Further, in case where an army personnel is travelling either for the purpose of joining the



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unit or to join the family from the unit, the same is to be treated as part of the duty. Hence, it cannot be said that the act of the late husband of respondent No.1 coming back after booking the ticket for the journey back to join the Unit and that too, while being on duty and meeting with an accident on the way which, led to the death, is not attributed to or connected with the military service.

6. 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)***.

7. 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 30th 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



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in possession of an 'out pass', we further hold that he would be entitled to disability pension as claimed by him."

8. Thereafter, the same issue again came up for consideration before 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:-

“(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.”



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9. 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 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.

10. 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.

11. 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



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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.

12. Learned counsel for the petitioner has not been able to rebut that the respondent was already held entitled for the grant of disability pension keeping in view the disabilities suffered i.e. *'Fracture Shaft Femur (RT) with Cerebral Concussion and CNS INV. Generalized Seizure'*, which were attributable to the military service. The only grievance raised by the respondent is that his disability of 30% is to be rounded off to 50% keeping in view the settled principle of law as well as the instructions issued on the said aspect.

13. It is a conceded position that as per the settled principle of law settled by Hon'ble Supreme Court of India in ***Ram Avtar's case (supra)***, 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



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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.”*

14. 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 ***Ram Avtar’s case (supra)***, has again reiterated that the benefit of rounding off the disability element cannot be denied.

15. 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 to be rounded off and when applied in the present case disability of 30% to be rounded off to 50%.

16. 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)** as well as **Reet MP Singh's case (supra)**, the respondent has rightly been held to be entitled to disability pension by rounding off the disability element from 30% to 50% w.e.f. 01.10.2003.

17. No other argument has been raised.

18. Hence, in the absence of any perversity being pointed out in the impugned order dated 14.09.2023 (Annexure P-3) 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.

19. Accordingly, the writ petition is dismissed.

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

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 29, 2025

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No