

**In the High Court of Punjab and Haryana at Chandigarh**

[122]

CWP-16539-2025

Date of Decision: 18.08.2025

UNION OF INDIA AND OTHERS

..... PETITIONERS

VERSUS

NO.2476312-K Ex. TS NAIK, PARTAP SINGH AND ANR.

.....RESPONDENTS

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

Present: Ms. Sonia Sharma, Sr. Panel Counsel for the petitioners/UOI.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the order dated 07.12.2023 (which has been appended as Annexure P-1) passed by the Armed Forces Tribunal (hereinafter referred to as “the Tribunal”), by which though the grant of benefit of disability pension has not been disputed but the grant of arrears by way of rounding of @ 50% as against @ 30% w.e.f. 01.08.2000 to 31.12.2015 has been allowed, which is being agitated by the petitioners.
2. Learned counsel appearing for the petitioners-UOI submits that once there is a delay on the part of the respondents in approaching the Court, the benefit of arrears could not have been granted by the Tribunal while passing the order dated 07.12.2023 (Annexure P-1).
3. We have heard the learned counsel for the petitioner and gone through the record with her able assistance.
4. It may be noticed that once the rule and the law is settled, as to under what circumstances the benefit of disability pension can be extended, being a welfare state, it becomes the duty of the Union Govt. to give the said benefit to the officer concerned, who has served the nation with due dedication. Merely that the officer has not claimed the same, cannot be treated that the



benefit is to be denied to such officer once the entitlement of such officer qua the benefit claimed is not being disputed.

5. As per the judgment of Hon'ble Supreme Court of India in Civil Appeal No.3086 of 2012, titled as 'Balbir Singh Vs. Union of India and Others' decided on 08.04.2016, wherein also the question was with regard to limiting of the benefit of admissible arrears to the period of three years wherein the relief of entire arrears granted to the claimant, the relevant paragraphs read as under:-

“It is not in dispute that the appellant was discharged from service/invalidated out of service on account of 100% permanent disability suffered by him during the course of service. It is also not in dispute that the said disability was held to be attributable to military service. That the disability was subsequently reduced to fall below 20% is also common ground. Inasmuch as the authorities stopped the disability pension, they committed no wrong. Stoppage of the disability pension did not however mean that the service element of the pension could also be stopped. That is evident from the provisions of Regulation 186 which reads as follows:

“186 (1) An individual who is invalided out of service with a disability attributable to or aggravated by service but assessed at below 20 per cent shall be entitled to service element only.

(2) An individual who was initially granted disability pension but whose disability is re-assessed at below 20% subsequently shall cease to draw disability element of disability pension from the date it falls below 20 per cent. He shall however continue to draw the service element of disability pension.” (emphasis supplied)
The Tribunal was therefore justified in restoring the service element of the pension in favour of the appellant.

The question however is whether the arrears could have been restricted to three years only. The Tribunal in our view need not have done so. That is because the appellant had a right to receive service element of the pension in light of Regulation 186 (supra), which right was valuable and ought to have been protected. The fact that the appellant had approached the Tribunal for redress belatedly



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was in the peculiar circumstances of the case no reason for the Tribunal to reduce the payment of arrears to three years only.”

6. Learned counsel for the petitioners-UOI has not been able to dispute the said proposition of law settled by Hon’ble Supreme Court of India in ***Balbir Singh’s case (supra)***.

7. Further, as per the judgment of the Hon’ble Supreme Court of India, once the entitlement is not being disputed, therefore, the grant of arrears to such employee to redress his grievance cannot be treated as arbitrary.

8. Learned counsel for the petitioners has not been able to dispute the fact/settled principles of law. Hence no ground is made out for any interference by this Court.

9. The present writ petition is, accordingly, dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

AUGUST 18, 2025

ANJAL

Whether speaking/reasoned : Yes
Whether reportable : No