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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-20560-2025 (O&M)

Date of Decision: 22nd July, 2025

UNION OF INDIA AND OTHERS

.....*Petitioner(s)*

V/s.

THE ARMED FORCES TRIBUNAL, CHANDIGARH BENCH AND
ANOTHER

.....*Respondent(s)*

CORAM: **HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA**
HON'BLE MR. JUSTICE KULDEEP TIWARI

Present Dr. Anandeshwar Gautam, Senior Panel Counsel,
for the petitioners-UOI.

ASHWANI KUMAR MISHRA, J. (Oral)

1. The instant petition is directed against order dated 11.01.2024, as passed by the Armed Forces Tribunal, Regional Bench Chandigarh, at Chandimandir (hereinafter referred to as “the Tribunal”) in OA-1813-2022, whereby, the Tribunal has allowed the relief of rounding-off the disability to 50% for the disability pension in terms of the judgment of the Hon’ble Supreme Court rendered in *Civil Appeal No. 418 of 2012* titled as **Union of India and Others** Vs. **Ram Avtar** ; *SCC Online SC 1761*.

2. The only ground on which the judgment of the Tribunal is assailed is that the disability, as suffered by respondent No.2, was on account of the injury sustained by him while he was on casual leave, and therefore, such disability could not have been attributed to the military service.

3. This Court has confronted the learned counsel for the petitioners to the findings rendered by the Tribunal in the impugned judgment in Para 7, which is reproduced as under:-



“7. Learned counsel for the applicant has vehemently argued that the applicant has suffered disability during the service while returning to duty after availing leave in a train and slipped outside the train toilet and he was released from service on account of disability **attributable to military service** assessed by Release Medical Board vide Annexure-10 and subsequent assessment of disability as neither attributable to nor aggravated by military service is wrong and arbitrary. He is stated to be entitled to disability element of disability pension irrespective of percentage of disability less than 20% as disability has been assessed attributable vide Annexure A-10.”

4. Learned counsel for the petitioners has not been able to show any perversity or illegality in the finding of the Tribunal that the competent authority has issued certificate acknowledging disability of respondent No.2, attributable to military service. Once that be so, this Court finds no good ground to interfere with the impugned judgment of the Tribunal. Accordingly, the Writ Petition is **dismissed**.

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

**[ASHWANI KUMAR MISHRA]
JUDGE**

**[KULDEEP TIWARI]
JUDGE**

July 22, 2025

Ess Kay

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