



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

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**CWP-29459-2025 (O&M)
Decided on : 30.09.2025**

UNION OF INDIA AND OTHERS

. . Petitioners

Versus

SUKHDEV SINGH AND ANOTHER

. . . Respondents

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

PRESENT: Ms. Shalini Atri, Senior Panel Counsel
for the petitioners.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 10.07.2024 (Annexure P-3) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh, (for short, 'the Tribunal') by which, the benefit of disability pension has been allowed in favour of respondent No.1 by rounding off the disability @ 50%, which was assessed by medical board @ 10%

2. Learned counsel for the petitioners submits that the respondent No.1 joined the service on 27.04.1994 as Sepoy and was release from service on 30.04.2022 in low medical category S1H2 (P) A1P1E1 and since his disability was assessed less than 20% which is the minimum threshold and condition precedent for the grant of disability pension, the Tribunal exceeded its jurisdiction while granting the said relief to respondent No.1.

3. Learned counsel appearing on behalf of respondent No.1 further submits that the disability of "SENSORINEURAL HEARING LOSS



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BILATERAL (Noise Induced)”, which was suffered by respondent No.1 while being in service and the same has already been assessed to be aggravated by the military service. Learned counsel for respondent No.1 further submits that as per the settled principle of law settled in **Civil Appeal No.5605 of 2010 decided on 25.06.2014 titled Sukhvinder Singh vs. Union of India and others**, the disability, even if, assessed at less than 20%, leads to the circumstances where personnel concerned cannot discharge the duties assigned to him/her and has to be relieved from duty, such a disability is to be treated at a minimum of 20% so as to grant the benefit of disability pension to personnel concerned and said disability of 20% has rightly been rounded off to 50% keeping in view the judgment of the Hon’ble Supreme Court of India in ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761*** which has been upheld recently 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.***

4. We have heard learned counsel for the petitioner and have gone through the record with his able assistance.

5. On being asked that whether, with the disability from which respondent No.1 suffered, the personnel concerned could have continued in service and performed his duties without any hindrance, learned counsel for the petitioners has not been able to rebut the fact that while suffering with the said disability, the officer could not have continued in service. Once, it was an established fact that the officer concerned could not have continued in service owing to the said disability, the only option available was to invalidate him out of service and relieve him from service. Since, the reason for being relieved from service is the disability aggravated during the service



period, the claim of the petitioner that the benefit of disability pension could not be granted to respondent No.1, cannot be accepted. The injury which is aggravated by military service, forms the basis of him being relieved from service.

6. As per the judgment in *Sukhvinder Singh's case (supra)*, the injury/disability, which led to being invalidated of an army personnel from service is assessed at less than 20%, for the purpose of the grant of disability pension to such army personnel, the same has to be treated at a minimum of 20%. The relevant paragraph of the judgment is as under:

“11. We are of the persuasion, therefore, that firstly, any disability not recorded at the time of recruitment must be presumed to have been caused subsequently and unless proved to the contrary to be a consequence of military service. The benefit of doubt is rightly extended in favour of the member of the Armed Forces; any other conclusion would be tantamount to granting a premium to the Recruitment Medical Board for their own negligence.

Secondly, the morale of the Armed Forces requires absolute and undiluted protection and if an injury leads to loss of service without any recompense, this morale would be severely undermined.

Thirdly, there appear to be no provisions authorizing the discharge of invaliding out of service where the disability is below 20 percent and seems to us to be logically so.

Fourthly, whenever a member of the Armed Forces is invalided out of service, it perforce has to be assumed that his



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disability was found to be above 20%.

Fifthly, as per the extant Rules/Regulations, a disability leading to invaliding out of service would attract the grant of fifty percent disability pension.”

7. Further, as per the settled principle of law settled by the Hon'ble Supreme Court of India in *Ram Avtar's case (supra)*, and held in **Reet M.P. Singh's case (supra)**, any disability of 20%, is to be rounded off to 50%, which settled principle of law, has not been rebutted by the learned counsel for the petitioners.

8. Keeping in view the totality of the circumstances, the impugned order dated 10.07.2024 (Annexure P-3) passed by the Tribunal, keeping in view the facts and circumstances of the present case coupled with the settled principle of law, has not been shown to be perverse in any manner. Hence, no ground is made out for any interference by this Court in the facts and circumstances of the present case and the present petition is accordingly dismissed.

9. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

30.09.2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No