



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

**CWP No.17102 of 2025  
Date of Decision: 01.07.2025**

Union of India and others

.....Petitioners.

Versus

No.4456602, Ex. Naik (TS) Teja Singh and another

.....Respondents.

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA  
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

\*\*\*\*\*

Present:- Ms. Ruchi Sekhri, Senior Panel Counsel, UOI  
for the petitioners.  
(*joined through Video-Conferencing*)

**SANJEEV PRAKASH SHARMA, J.(Oral)**

Challenge in the present writ petition is to the order dated 15.02.2023 passed by the Armed Forces Tribunal, Chandigarh (for short 'the AFT') in *O.A. No.1148 of 2021* titled as "*Teja Singh Vs. Union of India and others*" whereby the learned AFT has allowed the application of respondent No.1 for granting disability element of disability pension for life with all consequential monetary benefits from the due date. The learned AFT also directed that the petitioners would constitute a Re-Assessment Medical Board at a place nearest the village of the applicant for conducting his medical examination afresh within a period of three months from that day and to proceed in the matter in accordance with the said Report. The



learned AFT further restricted the arrears to three years preceding the date of institution of the O.A. dated 17.08.2021.

2. Learned counsel for the petitioners-UOI assails the order on the ground that there was no occasion for issuance of a direction to constitute a Re-Assessment Medical Board after a period of more than 28 years had lapsed. The Invaliding Medical Board was constituted and submitted its report on 31.10.1992 and therefore, there was no reason to re-assess the disability of respondent No.1. She further challenges the impugned order on the ground of delay and laches.

3. We have considered the submissions.

4. The issue raised in the present writ petition relating to delay is no more *res-integra*. The Hon'ble Supreme Court in a recent judgment dated 23.04.2025 in ***Bijender Singh Vs. Union of India and others, 2025 SSC OnLine SC 895*** has considered the said aspect as also the aspect regarding the disability having occurred during the period of service and held as under:-

*“29. A conjoint reading of various provisions, reproduced above, makes it clear that:*

*29.1. Disability pension to be granted to an individual who is invalided from service on account of a disability which is attributable to or aggravated by military service in non-battle casualty and is assessed at 20% or over. The question whether a disability is attributable to or aggravated by military service to be determined under the Entitlement Rules for Casualty*



*Pensionary Awards, 1982 of Appendix II (Regulation 173).*

*29.2. A member is to be presumed in sound physical and mental condition upon entering service if there is no note or record at the time of entrance. In the event of his subsequently being discharged from service on medical grounds any deterioration in his health is to be presumed due to service [Rule 5 read with Rule 14(b)].*

*29.3. The onus of proof is not on the claimant (employee), the corollary is that onus of proof that the condition for non-entitlement is with the employer. A claimant has a right to derive benefit of any reasonable doubt and is entitled for pensionary benefit more liberally (Rule 9).*

*29.4. If a disease is accepted to have been as having arisen in service, it must also be established that the conditions of military service determined or contributed to the onset of the disease and that the conditions were due to the circumstances of duty in military service [Rule 14(c)].*

*29.5. If no note of any disability or disease was made at the time of individual's acceptance for military service, a disease which has led to an individual's discharge or death will be deemed to have arisen in service [Rule 14(b)].*

*29.6. If medical opinion holds that the disease could not have been detected on medical examination prior*



*to the acceptance for service and that disease will not be deemed to have arisen during service, the Medical Board is required to state the reasons [Rule 14(b)]; and*

*29.7. It is mandatory for the Medical Board to follow the guidelines laid down in Chapter II of the Guide to Medical Officers (Military Pensions), 2002.”*

5. So far as the direction issued by the learned AFT to constitute Re-Assessment Medical Board is concerned, we find that it can be best examined by the said Board whether the disability is still continuing or not. Hence, there should be no objection to the constitution of Re-Assessment Medical Board. We notice that even in the report of the Invaliding Medical Board, the disability was assessed at 40% for two years and was found to be attributable to military service. In view thereto, respondent No.1 would be entitled to disability pension and therefore, there was no occasion to deny him the said benefit.

6. The submission of the petitioners that the claim for grant of disability pension was forwarded to PCDA (P), Allahabad which refused and rejected the claim of disability of respondent No.1, is noticed only to be rejected. A civil body which is responsible for the disbursement of pension has no authority to challenge the report of the Invaliding Medical Board. If the report is to be rejected, the same has to be rejected as a whole and then there was no case to invalidate the concerned official. Such a report cannot be rejected in part. While allowing invalidation and not allowing disability pension would amount to a wrongful dismissal from



service.

7. We, therefore, uphold the impugned order dated 15.02.2023 passed by the learned AFT and direct the petitioners to implement the same within a period of three months from today.

8. The present petition is, accordingly, dismissed.

**(SANJEEV PRAKASH SHARMA)**  
**JUDGE**

**(MEENAKSHI I. MEHTA)**  
**JUDGE**

**July 01, 2025**  
Yag Dutt

*Whether speaking/reasoned: Yes/No*  
*Whether Reportable: Yes/No*