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

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CWP-24657-2025

Date of Decision :25.08.2025

Union of India and others**..Petitioners****Versus****Ex. CFN Lachhman Singh & another****...Respondents**

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

Present: Mr. Rohit Verma, Senior Panel Counsel
for petitioners-UOI.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 07.11.2023 (Annexure P-1) passed by respondent No. 2-Armed Forces Tribunal, Regional Bench, Chandigarh (for short, 'the Tribunal') by which, respondent No.1 has been allowed the benefit of invalid pension for life alongwith arrears keeping in view the facts and circumstances of the present case.

2. Learned counsel for the petitioners places reliance upon the report of medical examination of the respondent No. 1 to hold that though the disability of 'Neurosis' as assessed @ 30% for life has been found in respondent No.1, but the same has been treated 'neither attributable to Military Service nor aggravated by the Military service' hence, the grant of benefit of invalid pension to respondent No. 1 by placing reliance upon the



judgment passed by the Three Judge Bench of Hon'ble Supreme Court of India in *SLP (s)-20330/2011 titled as Union of India and others versus P.*

A. Thomas is incorrect.

3. Learned counsel for the petitioners further submits that once, the report of the Medical Board clearly states that the disability of respondent No. 1 is neither attributable to nor aggravated by military service, the grant of benefit of invalid pension to respondent No. 1 is incorrect, and the facts and circumstances in the present case has not been appreciated in correct aspect by the Tribunal while passing the impugned order dated 07.11.2023 (Annexure P-1).

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

5. It is conceded fact that at the time when respondent No. 1 was relieved from service on 16.04.1979 on medical grounds, he had already rendered 07 years, 07 months and 22 days of service with the petitioner-Union of India. It is also a conceded fact that at the time when respondent No. 1 joined the armed forces i.e. 23.08.1971 and was medically examined, he was not found suffering from any such disease on the basis of which, respondent No. 1 was ultimately discharged from service on medical ground.

6. Further, as per the settled principle of settled by Hon'ble Supreme Court of India in *P. A. Thomas's case (supra)*, any officer serving with the Military, who had undergone the medical examination at the time of selection and was found fit but subsequently, he/she has been discharged from service before completing the qualifying service, is entitled to the benefit of invalid pension irrespective of the length of service as the disease



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on the basis of which such officer is being discharged is attributable to the Military service.

7. Learned counsel for the petitioners has not been able to dispute the said proposition of law having been settled in *P. A. Thomas's case (supra)*.

8. Keeping in view the facts and circumstances of the present case as well as the settled principle of law as settled in *P. A. Thomas's case (supra)* once, at the time of selection, respondent No. 1 was medically examined and was found fit in all respects and it was only at the time of discharge from service after rendering the service of 07 years, 07 months and 22 days by respondent No. 1 with the petitioner- UOI, he was found suffering from 'Neurosis' @ 30% for life. That being so, the said disease has to be attributed to the military service and the report of medical board cannot take away the right of respondent No. 1 to claim the benefit of invalid pension in such circumstances.

9. No other arguments has been raised.

10. Hence, in the absence of any perversity being pointed out in the impugned order dated 07.11.2023 (Annexure P-1) 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.

11. Accordingly, the writ petition is dismissed.

12. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

August 25, 2025
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No