



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

CWP No. 13960 of 2025

Date of Decision : 19.08.2025

Union of India and others

...Petitioners

Versus

Ex. Nb Sub. Rameshwar Dayal Arya and another

...Respondents

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

Present: Ms. Neha Jain, Advocate for the petitioners.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the order dated 17.10.2024 (Annexure P-1) passed by the Armed Forces Tribunal, Regional Bench, Chandigarh, on the ground that arrears of disability element of disability pension has to be restricted to three years.

2. Learned counsel for the petitioners submits that keeping in view the judgment of the Hon'ble Supreme Court of India in ***Shiv Dass Vs. Union of India and others***, 2007(9) SCC 274, the arrears of disability element of disability pension has to be restricted to three years.

3. We have heard learned counsel for the petitioners and have gone through the record with her able assistance.

4. Once, the admissibility of benefit of disability pension to respondent No. 1 is not being disputed by the petitioners before this Court, the grant of benefit of arrears to respondent No. 1 cannot be restricted only



on the ground that the respondent No. 1 approached the Tribunal after a long delay.

5. Being a model employer, Union has to extend the benefit so admissible to an employee from the date of his/her entitlement so that the disabled employee, who has been relieved from service on the ground of disability, does not suffer any prejudice.

6. Further, as per the settled principle of law settled by the 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, arrears granted to a claimant cannot be restricted to the period of three years.

Relevant paras of the said judgment are as under :-

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

We accordingly allow this appeal and modify the order passed by the Tribunal with the direction that the appellant shall be paid service element of the pension with effect from the date the said payment was stopped by the respondents. We however grant to the respondents three months time to calculate and



release the arrears in favour of the appellant. In case the needful is not done within the time stipulated, the arrears payable to the appellant shall start earning interest at the rate of 9% from the date the period of three months expires till actual payment of the amount.”

7. Learned counsel for the petitioners has not been able to rebut the settled principle of law in ***Balbir Singh’s case (supra)***.

8. No other argument has been raised.

9. Keeping in view the facts and circumstances of the present case as well as the settled principle of law settled in ***Balbir Singh’s case (supra)***, no ground is made out for any interference by this Court.

10. Accordingly, writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

August 19, 2025
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Whether speaking/reasoned : Yes

Whether reportable : No