



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 02.09.2025

242

CWP-20206-2025

UNION OF INDIA AND OTHERS
V/S
NO 6466091H EX SEPOY DHANPAT SINGH AND ANOTHER

243

CWP-20319-2025

UNION OF INDIA AND OTHERS
V/S
PARBHAT SINGH AND ANOTHER

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CWP-20426-2025

UNION OF INDIA AND OTHERS
V/S
NO 1490751 K EX SEPOY ACP II GURCHARAN SINGH AND ANOTHER

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

Present:- Mr. Ramesh Chand Sharma, Senior Panel Counsel,
for the petitioners in CWP-20426-2025.

Mr. Narender Kumar Vashist, Senior Panel Counsel,
for the petitioners in other two writ petitions.

Mr. Amrik Singh, Advocate,
for respondent No.1 in CWP-20426-2025.

Mr. Navdeep Singh, Advocate,
for the respondent(s) in other two writ petitions.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. By this order, we propose to dispose of the aforesaid 03 writ petitions by a common judgment as the issue involved in these writ petition is the same.

2. In the present bunch of writ petitions, the grievance raised by the petitioners is that though the benefit of rounding off has been given but



for the purpose of granting arrears, the same should have been restricted for a period of three years, whereas the same has been granted from the date the disability pension was allowed, which is incorrect.

3. On the asking of the Court, Mr. Navdeep Singh, Advocate Mr. Amrik Singh, Advocate, present in Court, appeared on behalf of respondent No.1 in their respective cases.

4. Learned counsel for the respondent(s) submits that the said issue qua restriction of arrears, after grant of benefit of rounding off, came up before the Coordinate Bench in a bunch of writ petitions including CWP-5069-2025, titled as *Union of India and others vs. No.3363188-W Ex. Sep. Swaran Singh and another*, wherein the same grievance was raised but keeping in view the judgment in ***Bijender Singh vs. Union of India and others, 2025 SCC Online SC 895***, decided on 23.04.2025, the said grievance raised, was dismissed.

5. We have heard learned counsel for the parties and have gone through the record of the case with their able assistance.

6. It may be noticed that once the same issue after granting the benefit of rounding off, that the said benefit granted is to be limited for a period of three years prior to the filing of the application has been considered by the Coordinate Bench considered and rejected, no ground is made out for this Court so as to arrive at a different conclusion in the present bunch of writ petitions.

7. Once, even in ***Bijender Singh's*** case (supra), the Hon'ble



Supreme Court of India granted the benefit of rounding off from 01.01.1996, onwards for life accepting the prayer of the petitioner that the same should be restricted for a period of three years prior to the filing of the application will be contrary to the settled principle of law. The relevant paras 46 and 47 of the said judgment is as under:-

- “46.** *Referring back to the impugned order dated 26.02.2016, we find that the Tribunal simply went by the remarks of the Invaliding Medical Board and Re-Survey Medical Boards to hold that since the disability of the appellant was less than 20%, he would not be entitled to the disability element of the disability pension. Tribunal did not examine the issue as to whether the disability was attributable to or aggravated by military service. In the instant case neither has it been mentioned by the Invaliding Medical Board nor by the Re-Survey Medical Boards that the disease for which the appellant was invalided out of service could not be detected at the time of entry into military service. As a matter of fact, the Invaliding Medical Board was quite categorical that no disability of the appellant existed before entering service. As would be evident from the aforesaid decisions of this Court, the law has by now crystalized that if there is no note or report of the Medical Board at the time of entry into service that the member suffered from any particular disease, the presumption would be that the member got afflicted by the said disease because of military service. Therefore the burden of proving that the disease is not attributable to or aggravated by military service rest entirely on the employer. Further, any disease or disability for which a member of the armed forces is invalided out of service would have to be assumed to be above 20% and attract grant of 50% disability pension.*
- 47.** *Thus having regard to the discussions made above, we are of the considered view that the impugned orders of the Tribunal are wholly unsustainable in law. That being the position, impugned orders dated 22.01.2018 and 26.02.2016 are hereby set aside.*



Consequently, respondents are directed to grant the disability element of disability pension to the appellant at the rate of 50% with effect from 01.01.1996 onwards for life. The arrears shall carry interest at the rate of 6% per annum till payment. The above directions shall be carried out by the respondents within three months from today.”

8. Keeping in view the totality of the circumstances coupled with the fact that the similar writ petition has already been dismissed by the coordinate Bench of this Court, the bunch of the present writ petitions is dismissed.

9. Photocopy of this order be placed on the files of connected cases.

**(HARSIMRAN SINGH SETHI)
JUDGE**

**(VIKAS SURI)
JUDGE**

September 02, 2025

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Whether speaking/reasoned Yes

Whether reportable No