



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

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CWP-24809-2025(O&M)

Date of Decision : 26.08.2025

Union of India and others

... Petitioners

Versus

Hav (Hony Nb Sub) Gurbachan Singh and another

... Respondents

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

Present: Mr. Angel Walia, Panel Counsel (through VC)
for the petitioners-UOI.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the challenge is to the impugned order dated 21.10.2024 (Annexure P-7) passed by respondent No. 2-Armed Forces Tribunal, Regional Bench, Chandigarh at Chandimandir (hereinafter referred to as 'Tribunal'), by which, respondent No.1 has been granted the benefit of arrears by rounding off the disability pension from 30% to 50% w.e.f. 01.01.2004 to 31.12.2015, on the ground that the same is perverse.

2. Learned counsel for the petitioner argues that respondent No.1 is not entitled for the benefit of rounding off the disability element of disability pension from 30% to 50% on the ground that respondent No.1



was discharged from service after completion of terms of engagement under Rule 13(3) item (iii)(i) of Army Rules, 1954, hence, the grant of benefit of disability pension to respondent No. 1 @ 50% by placing reliance upon the judgment of the Hon'ble Supreme Court of India in ***K.J.S. Buttar vs. Union of India, 2011 STPL (Web) 316*** and ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761***, is incorrect and the facts of the present case have not been appreciated in correct perspective by the Tribunal while passing the impugned order dated 21.10.2024 (Annexure P-7).

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

4. It may be noticed that respondent No.1 joined the Armed Forces on 22.12.1977 in fit medical condition. Respondent No.1 was discharged from service on 31.12.2003 on completion of engagement on account of disability of "Primary Hypertension". Release Medical Board assessed the disability @ 30% for life and the same has been held "attributable to and aggravated by Military Service". Accordingly, respondent No.1 was granted the benefit of disability element of disability pension @ 30% for life w.e.f. 01.01.2004. Thereafter, the benefit of rounding off @ 50% has also been granted w.e.f. 01.01.2016 but the claim for the grant of benefit of rounding off w.e.f. 01.04.2004 to 31.12.2015.

5. As per the settled principle of law settled by Hon'ble Supreme Court of India in ***Ram Avtar's*** case (supra), any officer serving in the Armed Forces, who had undergone the medical examination at the time of



his/her selection and was found fit, subsequently upon suffering a disability, is entitled to the benefit of disability pension by rounding off the same as the presumption would be that the disability suffered is attributable to the Military service. Relevant paras of the judgment in **Ram Avtar**'s case (supra) are as under:-

“4. By the present set of appeals the appellant(s) raise the question, whether or not, an individual, who has retired on attaining the age of superannuation or on completion of his tenure of engagement, if found to be suffering from some disability which is attributable to or aggravated by the military service, is entitled to be granted the benefit of rounding-off of disability pension. The appellant(s) herein would contend that, on the basis of Circular No. 1(2)/97/D(Pen-C) issued by the Ministry of Defence, Government of India, dated 31.01.2001, the aforesaid benefit is made available only to an Armed Forces Personnel who is invalidated out of service, and not to any other category of Armed Forces Personnel mentioned hereinabove.

5. We have heard learned counsel for the parties to the lis.

6. We do not see any error in the impugned judgment (s) and order(s) and therefore all the appeals which pertain to the concept of rounding-off of the disability pension are dismissed, with no order as to costs.

7. The dismissal of these matters will be taken note of by the High Courts as well as by the Tribunals in granting appropriate relief to the pensioners before them, if any, who are getting or are entitled to the



disability pension.”

6. Learned counsel for the petitioners has not been able to dispute the said proposition of law having been settled by the Hon'ble Supreme Court of India in **Ram Avtar**'s case (supra).

7. Keeping in view the facts and circumstance of the present case as well as the settled principle of law settled in **Ram Avtar**'s case (supra), respondent No.1 has rightly been held to be entitled for arrears by rounding off the disability pension from 30% to 50% w.e.f. 01.01.2004 to 31.12.2015.

8. No other argument has been raised.

9. Hence, in the absence of any perversity being pointed out in the impugned order dated 21.10.2024 (Annexure P-7) 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.

10. Accordingly, the writ petition is dismissed.

11. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

26.08.2025
Satyawan

Whether speaking/reasoned : Yes
Whether reportable : No