



CWP-23850-2025 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

CWP-23850-2025 (O&M)
Date of Decision :19.08.2025

The Union of India and others

...Petitioners

Versus

Ram Kala and another

...Respondents

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

Present: Ms. Shalini Atri, Senior Standing Counsel
for the petitioners-UOI.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 14.10.2024 (Annexure P-3) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh in O.A. No.885-2020 by which, respondent No.1 has been granted the benefit of rounding off the disability element of disability pension from 30% to 50% w.e.f. 01.01.1996 till 14.08.2004 alongwith arrears.
2. Learned counsel for the petitioners submits that respondent No.1 is not entitled for the benefit of rounding off the disability element of disability pension from 30% to 50% and the facts of the present case have not been appreciated in correct perspective by the Tribunal while passing the impugned order dated 14.10.2024 (Annexure P-3).
3. We have heard learned counsel for the petitioners and have



CWP-23850-2025 (O&M) -2-

gone through the case file with her able assistance.

4. As per the settled principle of law settled by Hon'ble Supreme Court of India in *Union of India and others vs. Ram Avtar*, 2014 SCC Online SC 1761, 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.



CWP-23850-2025 (O&M)

-3-

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.”

5. 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).

6. 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 the benefit of rounding off the disability element of disability pension from 30% to 50% w.e.f. 01.01.1996 till 14.08.2004.

7. No other argument has been raised.

8. Hence, in the absence of any perversity being pointed out in the impugned order dated 14.10.2024 (Annexure P-3) 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.

9. Present petition is accordingly dismissed.

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

(HARSIMRAN SINGH SETHI)
JUDGE

August 19, 2025
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No