



CWP-8807-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCWP-8807-2025 (O&M)
Date of Decision :30.09.2025

Union of India and others

..Petitioners

Versus

Mohinder Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURIPresent: Mr. Naveen Gupta, Senior Panel Counsel
for petitioners-UI.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, challenge is to the impugned order dated 26.09.2024 (Annexure P-2) passed by respondent No.2-Armed Forces Tribunal, Regional Bench Chandigarh (hereinafter referred to as 'the Tribunal') by which, respondent No.1 has been allowed the benefit of disability pension by rounding off the disability element from 20% to 50% for life w.e.f.01.01.1996.

2. Learned counsel for the petitioners places reliance upon the report of medical examination of respondent No.1 to hold that though, the disability of '*Psychoneurosis @ 11-14%*' has been found in respondent No.1, but the said disability has been held to be 'neither attributable nor aggravated by military service'. Hence, the grant of benefit of disability pension to respondent No.1 @ 50% for life by the Tribunal by placing reliance upon the judgment of *Union of India and others vs. Ram Avtar,*



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2014 SCC Online SC 1761 and *Civil Appeal No.5605 of 2010 decided on 25.06.2014 titled Sukhvinder Singh vs. Union of India and others*, is incorrect.

3. Learned counsel appearing on behalf of respondent No.1 submits that it is a conceded fact that the disability of 'Psychoneurosis @ 11-14%', which was suffered by respondent No.1 while being in service, has already been held to be attributable to military service. Learned counsel for respondent No.1 further submits that as per the principle of law settled in *Civil Appeal No.5605 of 2010 decided on 25.06.2014 titled Sukhvinder Singh vs. Union of India and others*, the disability, even if, assessed at less than 20%, leads to the circumstances where personnel concerned cannot discharge the duties assigned to him/her and has to be relieved from duty, such a disability is to be treated minimum of 20% so as to grant the benefit of disability pension to personnel concerned and said disability of 20% has rightly been rounded off to 50% keeping in view the judgment of the Hon'ble Supreme Court of India in *Union of India and others vs. Ram Avtar*, 2014 SCC Online SC 1761.

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 invalidated out from service on 23.10.1969 he had already rendered 06 years of service with the petitioners-Union of India. It is also a conceded fact that at the time when respondent No.1 joined the armed forces i.e. on 29.03.1963 he was medically examined and was found not to be suffering from any such disease on the basis of which he was ultimately discharged from service. Said fact has been made the basis by the Tribunal while granting benefit to



the respondent No.1 by placing reliance upon *Ram Avtar's case (supra)* and *Sukhwinder Singh (supra)*.

6. Once, as per the medical report of the respondent No.1, the disability suffered was held to be aggravated by military service and the respondent No.1 was entitled for the benefit, which was not extended to him merely on the ground that he did not qualify for the grant of disability pension as minimum 20% was required for the grant of disability pension.

7. Now as per the judgment in *Sukhwinder Singh's case (supra)*, the injury, which led to being invalidated from service is assessed at less than 20%, for the purpose of the grant of disability pension, the same has to be treated as a minimum of 20%. The relevant paragraph of the judgment is as under:

“Thirdly, there appear to be no provisions authorising the discharge of invaliding out of service where the disability is below 20 percent and seems to us to be logically so.

Fourthly, whenever a member of the Armed Forces is invalidated out of service, it perforce has to be assumed that his disability was found to be above 20%.

Fifthly, as per the extant Rules/Regulations, a disability leading to invaliding out of service would attract the grant of fifty percent disability pension.”

8. Further, with regard to the grievance of petitioners qua the ‘rounding off of disability pension’ the same issue has been settled by the Hon’ble Supreme Court of India in *Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761*, wherein it has been held that any officer serving in the Armed Forces, who had undergone the medical examination at the time of his/her enrolment and was found fit, is subsequently found to be suffering with a disability, is entitled to the benefit of disability pension by rounding off the same as the presumption would be in favour of such employee, that the disability suffered during the service 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.”

9. 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)** to the effect that percentage of disability is to be rounded off and in the present case, the disability of 20% is to be rounded off to 50%. for life w.e.f. 01.01.1996.

10. Further, in a recent judgment in **Civil Appeal No.11311 of 2025 titled as Union of India and others vs. Reet MP Singh and another, decided on 01.09.2025**, the Hon'ble Supreme Court of India by placing reliance upon **Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761** as well as **Bijender Singh vs. Union of India and others, 2025**



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SCC Online SC 895, has again reiterated that the benefit of rounding off the disability element cannot be denied.

11. Keeping in view the facts and circumstance of the present case as well as the principle of law settled in *Sukhwinder Singh's case (supra)*, *Ram Avtar's case (supra)* as well as *Reet M.P. Singh (supra)* once at the time of enrolment, respondent No.1 was medically examined and was found to be fit in all respects and it was only during his service period that respondent No.1 was found to be suffering from 'Psychoneurosis @ 11-14%' that being so, the said disability was attributed to military service by the Medical Board itself, the grant of benefit of disability pension and that too, by rounding off the disability from 20% to 50% for life w.e.f. 01.01.1996 is perfectly valid and legal.

12. Hence, in the absence of any perversity being pointed out in the impugned order dated 26.09.2024 (Annexure P-2) 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 and the writ petition is accordingly dismissed.

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

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 30, 2025

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Whether speaking/reasoned : Yes

Whether reportable : No