

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP (C) No. 453/2025

**Puran Singh, Aged 63 years,
Ex-GNR 14348487 of 103-AD Regiment,
S/o Sh. Dhunda Singh,
R/o Chinor Bantalab, Jammu.**

.....Applicant(s)/Petitioner(s)

Through :- Mr. Israr Ahmed Qazi, Advocate vice
Mr. Rupak Ratta, Advocate

v/s

**1. Union of India
through its Secretary,
Ministry of Defence, New Delhi.**

.....Respondent(s)

**2. C.O. Record Office,
Topkhana Abhilekh Artillery Record,
Nasik Road Camp, C/o 56 APO.**

**3. Commanding Officer,
103-AD, Regiment, C/o 56 APO.**

Through :- Mr. Vishal Sharma, DSGI

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

**ORDER (ORAL)
26.08.2025**

1. The impugned in this petition is an order and judgment dated 22.07.2019 passed by the Armed Forces Tribunal Regional Bench Srinagar at Jammu [**“the Tribunal”**] in TA No. 145 of 2017 (SWP No. 1226 of 2015) titled *“Puran Singh Vs. Union of India & Ors.”*, whereby, the Tribunal has allowed the TA (supra) and held the petitioner entitled to the grant of disability pension @ 20% (minimum) at the time of his invalidating out of service. The Tribunal has, however, restricted the arrears of disability element of pension to the period of three years preceding the date of filing of

TA in view of the law laid down by the Supreme Court in “**Shiv Dass Vs. U O I & Ors.**”, (2007) 9 SCC 274.

2. The impugned judgment has been accepted by the Union of India as no petition or proceedings have been initiated by the Union of India against the judgment impugned passed by the Tribunal. However, the impugned judgment is assailed by the petitioner only on the ground that the Tribunal while allowing the TA ought to have restricted the arrears of disability element of pension to a period of three years preceding the date of filing of SWP No. 1226 of 2015 i.e. 27.04.2015.
3. **Having heard learned counsel for the parties and perused the material available on record, we are of the considered opinion that** the judgment impugned to the extent it is challenged before us in this petition filed under Article 226 of the Constitution of India is not sustainable in law. In the instant case, the petitioner agitated his grievance before this Court by filing of SWP No. 1226/2015 on 27.04.2015. It is only after the constitution of the Tribunal in the UT of J & K that the SWP No. 1226/2015 came to be transferred to the Tribunal where it was renumbered as TA No. 145/2017.
4. It is, thus, beyond any shadow of doubt that the petitioner approached this Court agitating his grievance on 27.04.2015 and, therefore, the arrears of disability element of pension, which would be payable to him under the judgment of the Tribunal, should be restricted to three years prior to the filing of SWP No. 1226 of 2015. To put it clearly, the petitioner shall be entitled to the arrears

of disability element of pension from 27.04.2012 onwards. The judgment impugned passed by the Tribunal is modified to the aforesaid extent only.

5. ***Disposed of along with connected application(s), if any.***

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
26.08.2025
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Whether the order is speaking : Yes/No
Whether the order is reportable : Yes/No

