

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 1292/2024
CM No. 3261/2024

Union Of India & Ors.

.... Petitioner(s)

Through:- Mr. Vikas Sharma, Sr. Panel Counsel.

V/s

Onkar Singh

.....Respondent(s)

Through:- Mr. S.K. Saini, Advocate.

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

ORDER(ORAL)

13.08.2025

1. This is a petition under Article 226 of the Constitution of India filed by the Union of India and three others, challenging the order and judgment dated 20.03.2023 passed by the Armed Forces Tribunal, Regional Bench, Srinagar at Jammu (*for short, 'the Tribunal'*) in TA No. 189/2016 titled, "***Onkar Singh Vs. Union of India and ors.***", whereby the Tribunal has partially allowed the petition of the respondent and held him entitled to the benefit of rounding off of disability element from 80% for life to 100% for life with effect from three years prior to the filing of the TA. The other reliefs, i.e., AGI cover and ex-gratia claimed by the respondent have been declined.

2. Having heard learned counsel for the parties and perused the material on record, the only question that arises for determination in this petition is whether the benefit of rounding off of the percentage of

disability is available to an Army personnel, who suffered permanent disability attributable to or aggravated by the army service during his service, but was discharged on completion of his term, i.e., on normal superannuation? The Tribunal has held in favour of the respondent. There is no dispute with regard to the fact that at the time of discharge of the respondent from service, i.e., 29.02.2012, the respondent was found to have incurred disability @ 80% for life, as attributable to military service. This is apparent from the opinion of the Release Medical Board held at Military Hospital, Bareilly on 23.02.2012.

3. As per the Circular of the Government of India, Ministry of Defence dated 31.01.2001, the disability suffered by the respondent was required to be rounded off upto 100%, but the same was not done by the petitioners on the ground that he was not invalidated out of service because of his disability, but was discharged upon completion of his term of appointment. The Tribunal, while rightly addressing the issue and relying upon the judgment of the Hon'ble Supreme Court in the case of, ***“Union of India and ors. Vs. Ram Avtar and ors.”*** (Civil Appeal No. 418 of 2012) decided on 10.12.2014, has come to the conclusion that even the Army Personnel, who has been discharged from service on completing his term but was found to have suffered disability attributable to or aggravated by military service, is also entitled to the benefit of the Circular issued in the year 2001.

4. We concur with the view taken by the Tribunal. The legal position appears to have been settled by the Hon'ble Supreme Court while dismissing the case of **Ram Avtar** (supra) and upholding the decision of

the Armed Forces Tribunal, Chandigarh. We find no reason or justification to take a view contrary to the one taken by the Tribunal, more particularly, when the legal position has already been settled by the Hon'ble Supreme Court in Ram Avtar's case (supra).

5. For the foregoing reasons, we find no merit in this petition.

The same is, accordingly, dismissed alongwith connected applications.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
13.08.2025
Ram Krishan

