

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

WP (C) No. 988/2024 c/w
WP (C) No. 2094/2024

UOI and Ors.

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

Through :- Mr. Vikash Sharma, Senior Panel Counsel
vice
Mr. Sandeep Gupta, Senior Panel Counsel

v/s

Premu

.....Respondent(s)

Through :- None

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

ORDER
09.03.2026

WP (C) No. 988/2024

1. Impugned in this petition, filed under Article 226 of the Constitution of India, is an order and judgment dated 28.07.2022 passed by the Armed Forces Tribunal, Regional Bench Srinagar at Jammu [“the Tribunal”] in OA No. 276/2019 titled “Premu vs. Union of India and Others”, whereby the Tribunal has allowed the OA filed by the respondent and held him entitled to the benefit of rounding up of his disability pension w.e.f. 01.05.2008.
2. Briefly stated, the facts leading to the filing of this petition are that the respondent was enrolled in the Indian Army on 19.09.1973 and was discharged on completion of his service on 30.09.1997 in the Rank of Havildar.
3. The respondent was re-enrolled in DSC on 25.04.1998 and discharged therefrom w.e.f. 30.04.2008 under the provisions of Army Rule 13(3) Item III (i) after rendering ten years and six days

qualifying service. He was given the disability element of pension @40% w.e.f. 01.05.2008 without giving him the benefit of rounding off.

4. The benefit of rounding off was denied to the respondent on the ground that he was discharged from the service on completion of tenure of his service and that his tenure was not cut short by disability.
5. Feeling aggrieved, the respondent filed OA No. 276/2019 which was disposed of by the Tribunal in terms of the judgment impugned in this petition.
6. Having heard learned counsel for the petitioners and perused the material on record, we are of the considered opinion that the issue raised by the Union of India in this petition has been set at rest by the Hon'ble Supreme Court in the case of ***“Union of India and Others vs. Sgt Girish Kumar and Others”*** 2026 INSC 149 wherein the Supreme Court has, while placing reliance on the policy decision of the Government of India declared vide communication dated 18.04.2016, reaffirmed the legal position settled in the case of ***“Union of India and Others vs. Ram Avtar”*** 2014 SCC OnLine 1761.
7. This issue is also covered by a Division Bench judgment of this Court rendered in WP (C) No. 526/2026 titled ***“Union of India and others vs. Ex. Naik Kuldeep Singh”***.
8. In view of the clear dictum of law laid down by the Hon'ble Supreme Court in the case of Girish Kumar (supra) that the judgment rendered in the case of Ram Avtar (supra) is a judgment in rem that

inures to the benefit of all exservicemen whether invalided out of service or retired/discharged on completion of tenure provided the disability suffered by them is aggravated by or attributable to Army service.

9. For all these reasons, we find no merit in this petition and the same is, accordingly, dismissed.

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1. List on 07.04.2026.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
09.03.2026
Manik

