

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 1661/2026

Union of India and others

.... Petitioner/Appellant(s)

Through:- Mr. Prem N. Sadotra, CGSC

V/s

Ex. Nk. Ranjit Singh

.....Respondent(s)

Through:-

CORAM: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE
HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

ORDER

04.06.2026

1. Through the medium of the present writ petition filed under Article 226 of the Constitution of India, the petitioners have called in question the order dated 10.11.2022 passed by the Armed Forces Tribunal, Regional Bench, Srinagar at Jammu in O.A. No.341/2019 titled "*Ranjit Singh v. Union of India & Ors.*", whereby the Tribunal has held the respondent entitled to the benefit of rounding off of disability element by computing the disability at 50% as against 20% with effect from 01.01.1996 for life together with consequential arrears.

2. The respondent was enrolled in the Indian Army on 28.09.1984 and was discharged from service on 30.09.2001 on completion of terms of engagement. At the time of discharge, he was brought before the Release Medical Board for his disability '*Bilateral Sensori Neural Deafness (389)*'. The Release Medical Board assessed his disability at 20% for two years. The disability claim of the petitioner was, therefore, processed and he was

granted disability pension. Thereafter, Re-Survey Medical Board was held and he was granted disability pension for life.

3. The grievance projected by the petitioners is that the respondent was not invalidated out of service and, therefore, in terms of the applicable policy and Circular No. 596 dated 09.02.2018, he could at best be granted the benefit of rounding off from 01.01.2016 and not from the date from which the Tribunal has directed grant of the said benefit.

4. Heard learned counsel for the petitioners and perused the material available on record.

5. The issue as to whether Armed Forces personnel, who retired on completion of terms of engagement and are suffering from disability attributable to or aggravated by military service, are entitled to the benefit of broad banding/rounding off of disability element is no longer *res integra* in view of the judgment of the Hon'ble Supreme Court in '**Union of India & Ors. vs. Ram Avtar**', Civil Appeal No. 418 of 2012 decided on 10.12.2014.

6. The Tribunal, while allowing the Original Application, has relied upon the aforesaid settled legal position and has rightly held the respondent entitled to the benefit of rounding off.

7. The principal contention raised on behalf of the petitioners is that the respondent would be entitled to the benefit of rounding off only with effect from 01.01.2016 in terms of Circular No. 596 dated 09.02.2018 and not from an earlier date, as the policy of restricting arrears to three years prior to the filing of the Original Application holds the field and has not been followed by the Tribunal.

8. The issue regarding restriction of arrears and limitation in matters relating to disability pension stands authoritatively settled by the Hon'ble Supreme Court in '**Union of India v. Sgt. Girish Kumar & Ors.**', 2026 INSC 149, wherein it was held that once entitlement to disability pension or its re-computation is recognized, the benefit cannot be curtailed by restricting arrears to three years preceding the filing of proceedings. The Hon'ble Supreme Court further held that objections founded on delay, laches and limitation in such matters are without merit.

9. In view of the law laid down by the Hon'ble Supreme Court, the contention of the petitioners that the respondent is entitled to the benefit of rounding off only from 01.01.2016 is unsustainable.

10. Before parting with the matter, we may notice that the Tribunal, while allowing the Original Application, has held the respondent entitled to the benefit of rounding off of disability element from 20% to 50% with effect from 01.01.1996. The said date, however, appears to have been inadvertently recorded by the Tribunal. Admittedly, the respondent was discharged from service only on 30.09.2001 and was granted disability element upon his discharge. Therefore, the benefit of rounding off could not have been directed to be released from a date prior to his discharge from service.

11. It is also borne out from the record that in the Original Application filed before the Tribunal, the respondent had specifically prayed for grant of the benefit of rounding off of disability element from 20% to 50% with effect from 01.10.2001, i.e., the date immediately succeeding his discharge from service. Therefore, the reference to 01.01.1996 in the

operative portion of the impugned order is evidently a clerical or inadvertent error requiring correction.

12. Except for the aforesaid inadvertent error in the effective date from which the benefit has been directed to be released, we find no illegality, perversity or jurisdictional error in the impugned order warranting interference in exercise of writ jurisdiction under Article 226 of the Constitution of India.

13. Accordingly, while upholding the entitlement of the respondent to the benefit of rounding off of disability element from 20% to 50%, the impugned order dated 10.11.2022 passed by the Armed Forces Tribunal is modified to the limited extent that the said benefit shall be payable with effect from 01.10.2001 instead of 01.01.1996. Subject to the aforesaid modification, the writ petition is dismissed along with connected applications, if any.

(Shahzad Azeem)
Judge

(Sindhu Sharma)
Judge

Jammu:

04.06.2026

Michal Sharma/PS