

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 2014/2024

Date of pronouncement: 11.02.2026

Date of uploading: 13.02.2026

1. Union of India th. its Secretary to
Govt. of India, Ministry of Defence,
South Block, New Delhi-110011.
2. Additional Director General
Personnel Services, Adjutant
General's Branch, Integrated HQ of
Ministry of Defence (army), DHQ
PO, New Delhi-110001.
3. OIC Records, AOC Records, PIN-
900453, C/o 54 APO.
4. Principal Controller of Defence
Accounts (Pension), Draupadi Ghat,
Allahabad, Uttar Pradesh-211014.

.....Appellant(s)/Petitioner(s)

Through: Mr. Vishal Sharma, DSGI (Sr. Adv) with
Mr. Sumant Sudan, Advocate

vs

No. 6922764A Ex. Naik Ram Dass,
S/o Shri Kamal Nain, R/o Village & Post
Office: Sunetar, District: Udhampur, J&K.

..... Respondent(s)

Through: None

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

ORDER

11.02.2026

Sanjeev Kumar 'J'

1. Impugned in this petition, filed by the Union of India and others under Article 226 of the Constitution of India, is an order and judgment dated 27.08.2018, passed by the Armed Forces Tribunal, Srinagar Bench at Jammu [for short "**the AFT**"] in OA No. 552/2017 titled "*Ex Naik Ram Dass Vs. Union of India and others*", whereby the OA has been allowed and direction has been issued to the

petitioners to decide the claim of the respondent in the light of the judgment passed in “*Union of India and others Vs. Ram Avatar*” in Civil Appeal No. 418 of 2012 and release necessary benefits, payable as expeditiously as possible.

2. The impugned order is challenged by the petitioners only on the ground that the judgment impugned does not specify the date, from which the respondent shall be entitled to the arrears on account of rounding off his disability from 30% to 50% and, therefore, ambiguity in the order and judgment. He submits that in view of the law laid down by this Court in WP(C) No. 568/2024 titled “*Union of India and others Vs. Naik Gurbachan Singh*” decided on 30.09.2025, the benefit of rounding off is available to the respondent only w.e.f. 01.01.2016.
3. Having heard learned counsel for the petitioners and perused the judgment impugned, we are of the considered opinion that the operative portion of the judgment impugned is indeed little ambiguous and, therefore, needs to be clarified. It is true that the AFT, while disposing of the OA No. 552/2017 in terms of judgment impugned, has only directed the petitioners to consider the claim of the respondent for rounding off in terms of the judgment passed by the Hon’ble Supreme Court in *Ram Avatar* (supra), but has not said anything with regard to the date from which the arrears, on account of such rounding off would be payable.
4. In view of the controversy set at rest by this Court in *Naik Gurbachan Singh* (supra), the arrears arising out of the benefit of rounding off,

which the respondent has been held entitled to, shall be paid w.e.f. 01.01.2016.

5. With the aforesaid clarification and modification, the impugned judgment, passed by the Tribunal is upheld and petition is **disposed of**, accordingly.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

Jammu
11.02.2026
Vishal Sharma

Whether the order is reportable? Yes/No

Whether the order is speaking? Yes/No

