

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

WP(C) No. 3134/2026

Date of Pronouncement: 30.09.2026

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1. Union of India through its Secretary to Government 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. Principal Controller of Defence Accounts (Pension), Draupadi Ghat, Allahabad, Uttar Pradesh.
4. The Officer-in-Charge Records, Records JAK RIF PIN-908774,C/o 56 APO

.....Applicant(s)/Appellant(s)

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

v/s

Smt Surjit Devi, WD/o No 13737579P Ex Naik Sat Paul R/o Fatehpur Salarian, PO Samka, Tehsil RS Pura, District Jammu.

.....Respondent(s)

Through :-

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE YASH PAUL BOURNEY, JUDGE**

**ORDER
30.09.2026**

- 01.** Impugned in this petition, filed by the Union of India under Article 226 of the Constitution of India, is an order and judgment dated 28.04.2022, passed by the Armed Forces Tribunal, Regional Bench Srinagar at Jammu [**“the Tribunal”**] in OA No. 380 of 2019 titled “Satpaul v/s 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

off the disability to 50% as against 40% w.e.f 01.01.96. The arrears, however, have been restricted to three years preceding the date of institution of the application i.e. 25.07.2019.

- 02.** Briefly stated, facts leading to the filing of the instant petition are that the petitioner, who was enrolled in army on 16.12.1975, was discharged from service in low medical category w.e.f 31.12.1995, after rendering more than 20 years regular service. The Medical Board assessed his disability “REHUMATIC HEAR DISEASE MS MVR DONE 394” at 40% for life attributable to military service. The respondent was, thus, held entitled to disability pension. The petitioner was, however, not given the benefit of rounding off, as envisaged under the instructions dated 31.01.2001 issued by Director (Pensions) Ministry of Defence, Government of India. Feeling aggrieved, the respondent approached the Tribunal by way of OA No. 380 of 2019.
- 03.** The claim of the respondent was opposed by the petitioner before the Tribunal on the ground that he was not invalidated out of military service, but was discharged upon completion of his term. As such, he was not entitled to the benefit of rounding off of his disability pension.
- 04.** The Tribunal having considered the rival contentions of the parties and placing reliance upon the judgment passed by the Supreme Court in the case of *Union of India and others vs. Ram Avtar* 2014 SCC OnLine SC 1761 came to the conclusion that the classification made by the petitioners between the pensioners, who had been invalidated out of army service and those who were discharged with disability on completion of term, had already been struck down by the Hon’ble

Supreme Court. The respondent having been discharged from army service prior to 01.01.1996 was held entitled to the benefit of rounding off of the disability pension.

- 05.** Having heard learned counsel for the parties and perused the material available on record, we are of the considered opinion that the impugned judgment passed by the Tribunal is perfectly in consonance with the law laid down by the Hon'ble Supreme Court in case of Ram Avtar (supra) and latest the judgment rendered by the Supreme Court in Union of India and SGT Girish Kumar and others 2026 SCC OnLine SC149. Therefore, the issue raised is no longer *res integra*.
- 06.** Admittedly, the classification made by the petitioners between the pensioners receiving disability pension upon their invalidation from service and pensioners, who had been discharged with disability upon completion of term, was struck down by the Regional Bench of Chandigarh Tribunal of AFT and the said judgment was upheld by the Supreme Court in the case of Ram Avtar (supra).
- 07.** In that view of the matter, the argument raised by the learned counsel appearing for the petitioners cannot be accepted, more so, when the aforesaid position of law has been reiterated by the Hon'ble Supreme Court in its latest judgment in SGT Girish Kumar (supra).
- 08.** There is also no dispute with regard to the fact that the petitioner, having been discharged with disability prior to 01.01.1996, is entitled to the benefit of rounding off w.e.f 01.01.1996. The Tribunal has advisedly restricted the arrears only to three years preceding the date of institution of the application 25.07.2019.

- 09.** In view of the aforesaid discussion, we do not find it a fit case for interference by us in exercise of extraordinary jurisdiction vested under Article 226 of the Constitution of India.
- 10.** The petition is found to be devoid of any merit and the same is, accordingly, dismissed.

(Yash Paul Bourney)
Judge

(Sanjeev Kumar)
Judge

JAMMU
30.09.2026
Sapna

Whether this order is speaking: Yes/No

Whether this order is reportable: Yes/No

