

CWP-22423-2026 (O&M)

1 CNR No:PHHC011192972026
2026:PHHC:101877-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-22423-2026 (O&M)
Date of Decision :23.07.2026

UNION OF INDIA AND ORS

... Petitioners

Versus

RATTAN CHAND AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Sushant Kareer, Advocate for the petitioners- UOI.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 14.07.2023 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh, (for short, 'the Tribunal') by which, the benefit of disability element of disability pension alongwith benefit of rounding off of disability pension has been allowed in favour of respondent No.1 by rounding off the disability @ 50%, which at later stage was assessed at less than 20% (11%-14%) for life by PCDA (Pension), Allahabad.

2. Learned counsel for the petitioners argues that though, at the time when respondent No. 1 was invalidated out from service on 31.07.1989 and the Re-Survey Medical Board had given findings on 27.01.1994, that the respondent No. 1 is suffering from 'Chronic Duodenal Ulcer (OPTD) V-67' and the said disability was assessed @ 30 % for a period of ten years and have been held to be aggravated by the military service. Learned



counsel for the petitioners submits that thereafter the disability suffered by the respondent No. 1 was reduced below the threshold of 20 % and the benefit of disability pension which was being granted to respondent No. 1 was stopped w.e.f. 20.06.1994 even thereafter the benefit has been allowed in favour of respondent NO. 1 by the Tribunal , which is incorrect as, the benefit of disability element of disability pension could not have been granted by the Tribunal once the disability suffered by the respondent No. 1 was assessed at less than @ 20%, which is the minimum threshold required for grant of disability pension to an army personnel.

3. We have heard learned counsel for the petitioners and have gone through the case file with her able assistance.

4. It is a conceded fact that the when the respondent No. 1 was discharged from service on the basis of disability of ‘ ‘Chronic Duodenal Ulcer (Optd) V-67’’ suffered by him and the said disability was assessed at more than 20 % (30%) and the same was also assessed to be aggravated by the military service by the Release Medical Board and it was later on, in the year 1994 that the PCDA (Allahabad) assessed the disability incurred to respondent No. 1 @ 15%-19% for life. Once, an officer is discharged from service on the basis of the low medical category, then in such case even if the disability suffered by an officer, on the basis of which he/she was discharged from service, is at a later stage reduced to less than 20%, then it cannot be said that the disability pension granted to him/her is to be stopped. Rather the correct position of law qua said aspect is that in case an army personnel is invalidated out of service on the basis of disability suffered by



him, which disability has been assessed at less than @20%, which is minimum threshold for grant of benefit of disability pension, such disability perforce has to be assessed to above 20 % , so as to entitle such army personnel for grant of benefit of disability pension.

5. The law in this regard has been settled by the Hon'ble Supreme Court of India while passing order in **Civil Appeal No.5605 of 2010 decided on 25.06.2014 titled Sukhvinder Singh vs. Union of India and others,** wherein it has been categorically mentioned that the disability, even if, assessed at less than 20%, which is the situation in present case leads to the circumstances where personnel concerned cannot discharge the duties assigned to him/her and has to be relieved from duty, such a disability is to be treated at a minimum of 20% so as to grant the benefit of disability pension to personnel concerned. The relevant paragraph of the judgment is as under:

“11. We are of the persuasion, therefore, that firstly, any disability not recorded at the time of recruitment must be presumed to have been caused subsequently and unless proved to the contrary to be a consequence of military service. The benefit of doubt is rightly extended in favour of the member of the Armed Forces; any other conclusion would be tantamount to granting a premium to the Recruitment Medical Board for their own negligence.

Secondly, the morale of the Armed Forces requires absolute and undiluted protection and if an injury leads to loss of service without any recompense, this morale would be severely undermined.

Thirdly, there appear to be no provisions authorizing the discharge of invaliding out of service where the disability is below 20 percent and seems to us to be logically so.

Fourthly, whenever a member of the Armed Forces is



invalidated out of service, it perforce has to be assumed that his disability was found to be above 20%.

Fifthly, as per the extant Rules/Regulations, a disability leading to invaliding out of service would attract the grant of fifty percent disability pension.”

6. Further, with regard to the grievance of petitioners qua the benefit of ‘rounding off of disability pension’ which benefit has been granted to respondent No. 1, the same issue has been settled by the Hon’ble Supreme Court of India in ***Union of India and others vs. Ram Avtar, 2014 SCC OnLine SC 1761***, wherein it has been held that any officer serving in the Armed Forces, who had undergone the medical examination at the time of his/her enrolment and was found fit, is subsequently found to be suffering with a disability, is entitled to the benefit of disability pension by rounding off the same as the presumption would be in favour of such employee, that the disability suffered during the service is attributable to the Military service. Relevant paras of the judgment in ***Ram Avtar’s case (supra)*** are as under:-

- “4. By the present set of appeals the appellant(s) raise the question, whether or not, an individual, who has retired on attaining the age of superannuation or on completion of his tenure of engagement, if found to be suffering from some disability which is attributable to or aggravated by the military service, is entitled to be granted the benefit of rounding-off of disability pension. The appellant(s) herein would contend that, on the basis of Circular No. 1(2)/97/D(Pen-C) issued by the Ministry of Defence, Government of India, dated 31.01.2001, the aforesaid benefit is made available only to an Armed Forces Personnel who is invalidated out of service, and not to any other category of Armed Forces Personnel mentioned hereinabove.
5. We have heard learned counsel for the parties to the lis.
6. We do not see any error in the impugned judgment(s) and order(s) and therefore all the appeals which pertain to the concept of rounding-off of



the disability pension are dismissed, with no order as to costs.

7. *The dismissal of these matters will be taken note of by the High Courts as well as by the Tribunals in granting appropriate relief to the pensioners before them, if any, who are getting or are entitled to the disability pension.”*

7. Hence, as per the settled principle of law settled by the Hon’ble Supreme Court of India in **Ram Avtar’s case (supra)** reproduced herein before, which judgment has been upheld recently in ***Civil Appeal No.11311 of 2025 titled as Union of India and others vs. Reet MP Singh and another, decided on 01.09.2025***, any disability of 30%, is to be rounded off to 50%, which is a settled principle of law, and same has not been rebutted by the learned counsel for the petitioners.

8. Keeping in view the totality of the circumstances, the impugned order dated 14.07.2023 (Annexure P-1) passed by the Tribunal, keeping in view the facts and circumstances of the present case coupled with the settled principle of law, has not been shown to be perverse in any manner. Hence, no ground is made out for any interference by this Court in the facts and circumstances of the present case and the present petition is accordingly dismissed.

9. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(AMARINDER SINGH GREWAL)
JUDGE

July 23, 2026
Riya

Whether speaking/reasoned :Yes
Whether reportable : No