2026:AHC-LKO:39666-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - A No. - 5944 of 2026

No. 633000-B Ex Wo Prakash Narayan Shukla

.....Petitioner(s)

Versus

Union Of India, Thru. The Secy. Ministry Of Defence And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ramesh Chandra
Counsel for Respondent(s)	:	A.S.G.I.

Court No. - 5

HON'BLE ALOK MATHUR, J.
HON'BLE AMITABH KUMAR RAI, J.

1. Heard Shri Ramesh Chandra, learned counsel for the petitioner and Shri S.B. Pandey, learned Deputy Solicitor General of India assisted by Shri Varun Pandey, learned counsel for the respondent Nos.1 to 4.

2. The instant petition has been filed challenging the judgment and order dated 04.01.2021 passed by Armed Forces Tribunal, Regional Bench, Lucknow (hereinafter referred to as "**Tribunal**") in Original Application No.552 of 2019 (No 633000-B Ex WO Prakash Narayan Shukla vs. Union of India and three others) to the extent of restricting the arrears of disability element to three years prior to the filing of Original Application No.552 of 2019.

3. Reliance has been placed by the learned counsel for the petitioner on the judgment and order dated 12.02.2026 passed in Civil Appeal Nos.6820-6824 of 2018 (Union of India Through Its Secretary & Ors. vs. SGT Girish Kumar and Ors. Etc.) along with other connected civil appeals, in which the Hon'ble Supreme Court has specifically held that the right to receive disability pension is a valuable right and, once found due, the benefit thereof has to be granted from the date it became due and cannot be curtailed by restricting the benefit to a period of three years preceding the filing of the original application.

4. The issue before the Hon'ble Supreme Court in Civil Appeal Nos.6820-6824 of 2018 (supra) was with regard to the grant of disability pension concerning the period for which the arrears of disability pension are payable, as in some cases the Tribunal directed payment of arrears of disability pension from specified cut-off dates, whereas, in others, it restricted such benefits to three years prior to the filing of the original application before the Tribunal. The Supreme Court, after considering the issue involved regarding entitlement to pension, has held that the benefit of disability pension, being a valuable right, has to be given from the date it became due. The relevant portion of paragraphs 20 to 23 of the judgment and order dated 12.02.2026 passed in Civil Appeal Nos.6820-6824 of 2018 (supra) are reproduced hereinbelow :-

> *"20. This Court has, in a consistent line of decisions, recognised that right to receive disability pension is a valuable right and once found due, the benefit of the same has to be given from the date it became due. The same cannot be curtailed by restricting the benefit to a period of three years preceding the filing of the original application. In the absence of any compelling reason to take a different view, we find no justification to depart from the view consistently taken by this Court.*
>
> *21. The contention advanced on behalf of the Union of India that the claim for arrears of disability pension is barred by Limitation Act, cannot be accepted. The issue with regard to broad banding of disability pension attained finality only on 10.12.2014. Thereafter, Union of India in the order dated 18.04.2016 addressed to Chiefs of Army, Navy and Air Force acknowledged in clear terms that arrears of disability pension were to flow from 01.01.1996 without any curtailment. Therefore, in the facts and circumstances of the case, the contention that the claims of ex-servicemen were barred by limitation does not deserve acceptance.*

22. The reliance placed by the appellant on the decision of a two- Judge Bench of this Court in Tarsem Singh (supra) is of no assistance to it, as the legal landscape did not remain static after decision in Tarsem Singh. Subsequently, a three-Judge Bench of this Court in Ram Avtar (supra), decided the issue of applicability of instruction dated 31.01.2001 and the aforesaid decision is in rem. For, yet another reason, the decision in Tarsem Singh (supra) has no application to the case in hand as ex-servicemen in the instant appeals are already in receipt of disability pension and are only seeking re-computation of the disability pension. The right to approach the Tribunal accrued to ex-servicemen only on 10.12.2014 i.e., when the decision in Ram Avtar (supra) was rendered by this Court. Therefore, the bar contained in Section 22(1)(c) of the Act has no application to the claims filed by the ex-servicemen before the Tribunal. In the facts and circumstances of the case, we find that the original applications filed by the ex-servicemen do not suffer from any delay or laches disentitling them from claiming the relief of arrears of disability pension. Thus, the objections founded on the delay and limitation are without any merit.

(vi) CONCLUSION

23. For the foregoing reasons, we do not find any merit in the appeals filed by the Union of India. Accordingly, the appeals filed by the Union of India are dismissed. The orders passed by the Tribunal which have been impugned in Civil appeals filed by the ex-servicemen i.e. in Civil Appeal Nos.8286-8287 of 2018, Civil Appeal No.1555 of 2024, Civil Appeal @ Diary No.34570 of 2019, Civil Appeal No.3091 of 2024 and Civil Appeal No.1724 of 2023, in so far as they restrict the benefit of arrears of disability pension to three years preceding

> *the filing of original application are quashed and set aside. The appellants in the aforesaid appeals are held entitled to disability pension including the benefit of broad banding, due to them, with effect from 01.01.1996 or 01.01.2006, as the case may be, along with interest @ 6% per annum. Accordingly, the aforesaid appeals are allowed. Pending applications, if any, are disposed of."*

5. Learned Deputy Solicitor General of India could not dispute the proposition of law as laid down by the Hon'ble Supreme Court in Civil Appeal Nos.6820-6824 of 2018 (supra); however, he submits that the petitioner has approached this Court challenging the judgment and order dated 04.01.2021 passed by the Tribunal in O.A. No.552 of 2019 after a delay of more than five years and, hence, is not entitled to the benefit of the judgment dated 12.02.2026 passed in Civil Appeal Nos.6820-6824 of 2018 (supra), inasmuch as the directions contained in the judgment and order dated 04.01.2021 passed in O.A. No.552 of 2019 filed by petitioner regarding entitlement of arrears of disability pension attained finality.

6. The argument so advanced by the learned Deputy Solicitor General of India could not persuade us to take a different view, as it is a settled proposition of law that pension is not a royalty nor an ex-gratia payment dependent upon the grace of the State. The right of pensioners' entitlement partakes of the character of property and cannot be withheld, reduced, or extinguished except by the authority of law. The principle regarding pension applies equally to the disability pension, as it is meant to provide support to members of Armed Forces who suffer impairment in the course of, or attributable to, the services rendered to the nation. The Supreme Court, while passing the judgment and order dated 12.02.2026 as referred hereinabove, has thus held that the entitlement of disability pension dates back to the date it became due to the beneficiary.

7. In view of the above discussions, the writ petition stands **allowed**. The judgment and order dated 04.01.2021 passed by Tribunal in O.A.

No.552 of 2019 is modified to the extent that the petitioner will be entitled to disability pension from the date it became due to the petitioner, i.e., w.e.f. 01.08.2011. The petitioner will also be entitled to interest @ 6% per annum on the arrears of disability pension from 01.08.2011 till the date of its actual payment. The respondents are directed to compute and pay the arrears of disability pension to the petitioner w.e.f. 01.08.2011 along with interest @ 6% per annum and pay the same to the petitioner within three months from the date of production/service of the certified copy of this order.

8. No order as to costs.

(Amitabh Kumar Rai,J.) (Alok Mathur,J.)

May 29, 2026
Ashish Dewal

Digitally signed by :-
ASHISH DEWAL
High Court of Judicature at Allahabad,
Lucknow Bench