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In the High Court of Punjab and Haryana at Chandigarh

[235]

CWP-308-2025**Date of Decision: 08.12.2025**

UNION OF INDIA AND OTHERS

..... PETITIONERS

VERSUS

NO. 15366875 F, EX. HAV. CHAMAN LAL

.....RESPONDENT

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Ms. Ruchi Sekhri, Senior Panel Counsel for
the petitioners./UOI.

None for the respondent.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the impugned order dated 21.03.2022 (Annexure P-1) passed by the Ld. Armed Forces Tribunal (Regional Bench), Chandigarh (for short, "Tribunal") in Original Application No.148 of 2021, wherein, though from the date of appointment till the date of discharge, the respondent has completed 24 years of service, but on the account that there was a 12 days non-qualifying service from 02.12.1994 to 13.12.1994, due to which, there is only a shortfall of 01 day for the grant of the benefit of 3rd Modified Assured Career Progression Scheme (MACP).

2. We have heard the learned counsel for the petitioners and gone through the record with her able assistance.

3. It may be noticed that the Tribunal while passing the order has noticed that while deciding OA No.1077 of 2014 titled **"Rakesh Kumar Vs. Union of India and others"**, the absence of 11 days from duty had been condoned, so as to grant the benefit of 3rd MACP by including same in qualifying service of 24 years, and if the said judgment is made applicable, the requisite period is completed by the respondent.

4. Further, on being asked, as to whether such non-qualifying service has been denied even for pensionary benefit, learned counsel for the petitioner has not been able to bring anything on record, to show that such service has not been taken into account for calculating the pensionary benefit and benefit under MACP scheme. In case 12 days non-qualifying service(NQS) have been taken to compute the pensionary benefits denying the said benefit for computing 3rd MACP benefit is incorrect. Further, nothing has come on record as to how, the period of 24 years is being calculated. The period has to end one day before the retirement on the day of the retirement.

5. Learned counsel for the petitioners/UOI has not been able to show that on the date of the retirement, 24 years have been completed by the Officer, as he was appointed on 20.09.1998 and discharge from service on 30.09.2012, which *prima facie* shows that the completion of 24 years' service.

6. Keeping in view the totality of the circumstances, where the petitioner has not been able to prove that the order passed by the Tribunal dated 21.03.2022 (Annexure P-1), is perverse either on facts of law, coupled with the fact that a similarly situated employee has already been granted benefit by counting non-qualifying service(NQS) in total service and the dispute is only of a day, no ground is made out for any interference by this Court in the facts and circumstances of the present case and the order of Tribunal.

7. Accordingly, the writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

08.12.2025

ANJAL