



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

222

CWP-590-2024

Date of Decision: 04.11.2025

Union of India and others**....Petitioners****Versus****Ex Darshan Singh and another****....Respondents**

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

Present: Mr. Rohit Verma, Advocate
for the petitioners.

Mr. Abhimanyu Sharma, Advocate
for respondent No.1.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 15.11.2022 (Annexure P-1) passed by respondent No.2 – the learned Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as ‘the Tribunal), by which, the respondent No.1 has been granted the benefit of disability pension by treating the disability he incurred as 20% w.e.f. 01.04.1999 and the same was rounded off to 50%, however, the respondent No.1 was discharged on his own request. Therefore, the benefit of disability pension cannot be given to respondent No.1 in view of the abovesaid fact.

2. Learned counsel appearing on behalf of the petitioners submits that the disability pension can only be granted in the cases wherein the disability is more than 20% or, in the cases wherein disability is less than 20%, but the officer is discharged on the ground that he/she is not able to



-: 2 :-

perform the duties due to such disability, which is referred as 'low medical category'. Learned counsel for the petitioners further submits that in the present case, the grant of disability pension to the respondent No.1 despite the fact that he has incurred less than 20% disability, is incorrect and therefore, the order dated 15.11.2022 (Annexure P-1) passed by the Tribunal may kindly be set aside.

3. Learned counsel for respondent No.1 submits that though, he was discharged after a period of 18 years of service, and the fact that he was suffering from a disability is undisputed, the disability pension ought to have been granted by the petitioners, as is rightly been granted by the Tribunal vide order dated 15.11.2022 (Annexure P-1), keeping in view the judgment of the Hon'ble Supreme Court of India in **Civil Appeal No.5605 of 2010** titled as ***Sukhvinder Singh vs. Union of India and others***, decided on 25.06.2014.

4. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

5. It may be noticed that as per the regulation governing the issue of the grant of disability pension, the same can only be granted in the cases wherein the disability at the time of discharge is more than 20%. Further, even if, the disability is less than 20% but the ground of discharge is the 'low medical category', as per the judgment of the Hon'ble Supreme Court of India in ***Sukhvinder Singh's case (supra)***, the disability pension can be granted.

6. But the facts in the present case are different inasmuch as, the respondent No.1 was discharged on his own request and the disability that was incurred by him was less than 20%. Therefore, in such cases, wherein the said disability is less than 20% the concerned officer will not be entitled to the



-: 3 :-

disability pension.

7. Further, a re-examination by the Medical Board was got conducted on the asking of the respondent No.1, wherein again, his disability was assessed as less than 20%, that being so, the grant of disability pension by the Tribunal vide order dated 15.11.2022 (Annexure P-1) is neither supported by any facts in the present case nor by any Rules or Regulations governing the grant of disability pension and is against the settled principle of law.

8. Keeping in view the totality of the facts and circumstances of the present case, the order dated 15.11.2022 (Annexure P-1) passed by the Tribunal is to be treated as perverse and cannot be upheld and accordingly, the same is set aside.

9. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

November 04, 2025

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No