



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

CWP No.1366 of 2025

Date of Decision: 20.01.2025

Union of India and others

.....Petitioners.

Versus

No.15469697K, Ex ALD Sukhwinder Singh and another

.....Respondents.

**CORAM: *HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA*
*HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Mr. Arihant Goyal, Advocate
for the petitioners.

SANJEEV PRAKASH SHARMA, J.(Oral)

This writ petition assails the order dated 04.12.2019 passed by the Armed Forces Tribunal, Regional Bench Chandigarh at Chandimandir (for short 'the AFT') in the **O.A. No.1686 of 2019**.

2. The present writ petition was filed by the petitioners on 17.01.2025 without explaining as to why the challenge to the order was not made within the reasonable time. It is also to be noticed that vide the impugned order, the disability pension of respondent No.1 has been enhanced @ 75% by rounding off the disability already assessed as 60%, relying on the judgment of the Hon'ble Supreme Court in ***Civil Appeal No.418/2012*** titled as ***Union of India Versus Ram Avtar, decided on 10.12.2014***.



3. It is an admitted position that respondent No.1 was considered to have suffered 60% disability and as per directions of the officiating Officer Commanding 43 Armoured Brigade in the Court of Inquiry proceedings, the injuries sustained by him were considered as attributable to military service. The authorities denied the disability element. The AFT has, accordingly, directed to release the disability element holding the denial as bad in law in view of the fact that respondent No.1 suffered severe disability while in service, which is as under:-

*“COMPOUND COMMINUTED FRACTURED
DISTAL END RADIUS + ULNA(RT) @ 30% for life
(b) SEGMENTAL FRACTURE (RT) FEMUR @ 30%
for life (c) DEGLOVING INJURY(RT) FOOT WITH
AMPUTAION (RT) GREAT TOE & 4th TOE @ 10%.”*

4. We find that the order of the AFT does not warrant any interference on merits. The present writ petition is, accordingly, dismissed.

5. The impugned order passed by the AFT in the year 2019 seems to have not been complied with so far. We, therefore, direct the concerned authorities to comply with the order and release the disability element within three months failing which the interest @ 9% per annum shall be released and recoverable from the concerned officers, who are accountable for the delay.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

January 20, 2025
Yag Dutt

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No