



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

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CWP-13726-2025

Date of Decision: 21.08.2025

Union of India and others**....Petitioners****Versus****Ex. Hav Dayanand Mehla and another****....Respondents**

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

Present: Ms. Nehira Bala, Advocate and
Mr. Harmanjot Singh Gill, Senior Panel Counsel
for the petitioners.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 15.02.2019 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh, (for short 'the Tribunal') by which, respondent No.1 has been granted the benefit of war injury pension @ 30% for life which has been rounded off @50%, on the ground that the same is perverse.

2. Learned counsel for the petitioners argues that the order dated 15.02.2019 (Annexure P-1) is incorrect on the ground that the area where respondent No.1 was posted was not declared as a war zone so as to be considered the respondent No.1 under category E of instructions dated 31.01.2001 in order to claim the war injury pension. Learned counsel for the



petitioners further submits that the grant of the benefit in favour of respondent No.1 by the Tribunal is without appreciating all the facts which were brought on record.

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

4. In the present petition, the factum that respondent No.1 was posted in Kashmir under operation 'Rakshak' and had suffered the disability in question i.e. Frost Bite Grade I and II while being posted there, has gone un rebutted. It is further conceded that on the basis of the said injury suffered by respondent No.1, he was ultimately invalidated out on 31.08.2011.

5. The only question which arises is whether, respondent No.1 is to be granted the disability pension or the war injury pension as being claimed by him.

6. A bare perusal of the instructions dated 31.01.2001 (Annexure P-4) as mentioned in the impugned order clearly shows that as per category E of sub-clause (i), any operation which is specifically notified by the Government from time to time, will be covered under category E and it is a conceded position that respondent No.1 was working under operation 'Rakshak' as notified by the Government and therefore, will be covered under sub-clause (i) of category E. It is a conceded position that under category E, the war injury pension is admissible to the respondent No.1.

7. Further, the disability suffered by respondent No.1 was attributable to the military service, which is also a conceded fact. Once, the disability assessed as 30% injury was attributable to the military service, the same has to be rounded off to 50% as per the judgment of the Hon'ble



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Supreme Court of India in ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761***. Learned counsel for the petitioners has not been able to dispute the same.

8. Keeping in view the totality of the circumstances, the order dated 15.02.2019 (Annexure P-1) passed by the Tribunal granting respondent No.1 the benefit of war injury pension, is not perverse either on facts or on law.

9. Further, the Coordinate Bench of this Court while passing order in CWP-16736-2025 titled ***Union of India and others vs. B Rama Krishna and another***, decided on 01.07.2025, on the similar facts under the operation 'Rakshak', the admissibility of war injury pension has been upheld. The said fact has also gone unrebutted.

10. Keeping in view the totality of the circumstances, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

11. Accordingly, the writ petition is dismissed.

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

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

August 21, 2025

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No