



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

CWP No. 13183 of 2025 (O&M)

Date of order: 26.05.2025

Union of India and others

... Petitioners

Versus

Ex. No. 39727238M Sep Subhash Chand and another

... Respondents.

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA  
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA**

Present: Mr. Angel Walia, Advocate, for the petitioners.

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**SANJEEV PRAKASH SHARMA, J.**

It is an admitted position that respondent no.1-applicant had put in 14 years and 7 days of service whereafter he had been discharged on 30.04.2011 from DSC service due to low medical category, as he was in Shape-2. For the grant of service pension, a person must complete 15 years of service and, thus, he was falling short of 358 days for 15 years.

2. In terms of Regulation 125 of the Pension Regulations of the Army, 1961, as interpreted by the Larger Bench of the Armed Forces Tribunal in OA No. 1238 of 2016 – **Smt. Shama Kaur vs Union of India**, decided on 01.10.2019, the condonation of the period upto one year on the maximum side can be done. The same is based on an earlier judgment of Hon'ble the Supreme Court. In view thereto, the order was passed by the AFT granting the condonation of 358 days and to treat the actual service as 15 years for the purpose of grant of pension. Directions were issued for grant and release of the said benefits.



3. Learned counsel appearing for Union of India submits that condonation ought not have been done. However, we find that it is not a case of discharge on account of misconduct but it is a case of discharge on account of medical grounds being shape-2. Ordinarily in DSC services, a person can continue in service upto the age of 55 years and retire thereafter. In the circumstances, therefore, discharging him earlier than the period of 15 years ought not be a reason to deny him the qualifying service of 15 years for pension, as the same falls short by only 358 days i.e. less than one year.
4. In view thereto, the order passed by the AFT does not warrant any interference. The writ petition is, accordingly, dismissed.
5. All pending applications stand disposed of.
6. No costs.

**(SANJEEV PRAKASH SHARMA)**  
**JUDGE**

**26.05.2025**  
vs

**(DEEPINDER SINGH NALWA)**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No