



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

269

CWP-12106-2025

Date of Decision: 12.11.2025

Union of India and others

....Petitioners

Versus

Mohinder Kumar and another

....Respondents

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

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**Present:** Ms. Bhavana Datta, Senior Panel Counsel  
for the petitioners.

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**Harsimran Singh Sethi, J. (Oral)**

1. In the present petition, the challenge is to the impugned order dated 11.09.2024 (Annexure P-1) passed by the Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal'), by which, respondent No.1 is held entitled to reservist pension from the date of rejection of his claim for life and the Union of India was directed to calculate and pay the arrears after adjusting the gratuity amount, if any.

2. The only argument raised by learned counsel for the petitioners is that the arrears should be restricted rather than granting it from the date of entitlement to the respondent No.1.

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

4. It may be noticed that the said question has been settled by the Hon'ble Supreme Court of India in **Civil Appeal No.3086 of 2012** titled **"Balbir Singh vs. Union of India and others"**, decided on 08.04.2016,



wherein the question was with regard to limiting of the benefits of admissible arrears to the period of three year wherein the relief of entire arrears granted to the claimant, the Hon'ble Supreme Court of India held as under:-

*“XXX...The Tribunal was therefore justified in restoring the service element of the pension in favour of the appellant. The question however is whether the arrears could have been restricted to three years only. The Tribunal in our view need not have done so. That is because the appellant had a right to receive service element of the pension in light of Regulation 186 (supra), which right was valuable and ought to have been protected. The fact that the appellant had approached the Tribunal for redress belatedly was in the peculiar circumstances of the case no reason for the Tribunal to reduce the payment of arrears to three years only.*

*We accordingly allow this appeal and modify the order passed by the Tribunal with the direction that the appellant shall be paid service element of the pension with effect from the date the said payment was stopped by the respondents. We however grant to the respondents three months time to calculate and release the arrears in favour of the appellant. In case the needful is not done within the time stipulated, the arrears payable to the appellant shall start earning interest at the rate of 9% from the date the period of three months expires till actual payment of the amount.”*

5. Learned counsel for the petitioners has not been able to dispute the said fact that the argument raised is covered against them as per the **Balbir Singh's case (supra)**.

6. Keeping in view the facts that the order dated 11.09.2024 (Annexure P-1) passed by the Tribunal has not been proved to be perverse either on facts or law, no ground is made out for any interference by this



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Court in the facts and circumstances of the present case.

- 7. Accordingly, the writ petition is dismissed.
- 8. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)  
JUDGE

November 12, 2025  
Varinder

(VIKAS SURI)  
JUDGE

Whether speaking/reasoned : Yes  
Whether reportable : No