



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

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CWP-13093-2025

Date of Decision: 20.08.2025

Union of India and others

....Petitioners

Versus

Ex. HAV Sube Singh and another

....Respondents

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

Present: Mr. Arihant Goyal, Senior Panel Counsel
for the petitioners.

Harsimran Singh Sethi, J. (Oral)

1. In the present petitions, the challenge is to the order dated 05.03.2019 (Annexure P-3) passed by the Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal'), by which, the benefit of rounding off the disability has been allowed in favour of the respondent No.1 and the petitioners are directed to calculate the arrears, on the ground that the same is perverse.

2. Learned counsels for the petitioners argue that once the disability of "*Compression Fracture DV 10 11 12 (N-828)*" was only 20%, the same should not have been rounded as 50% so as to give the benefit of disability



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pension to respondent No.1. Further, learned counsel for the petitioners places reliance on the judgment of Hon'ble Supreme Court of India in ***Shiv Dass vs. Union of India and others, (2007) 9 SCC 274***, wherein the Hon'ble Supreme Court has explicitly settled that where a claim is entertained after delay, Courts are ought to restrict the arrears to 03 years preceding the filing of the Original Application hence, the grant of disability pension by rounding off @50% along with arrears, is incorrect.

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

4. It is a conceded position that the rounding off has been permitted by respondent No.1 themselves, and as per the decision by the Hon'ble Supreme Court of India in ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761***, as the in the present case the rounding off has been found to be permissible.

5. Once, the rounding off the disability of 20% to 50% has been done as per the judgment of the Hon'ble Supreme Court of India, the learned counsels for the petitioners have not been able to show how, the judgment of ***Ram Avtar's case (supra)*** granting the benefit of rounding off the disability of 20% to 50% in favour of respondent No.1 is perverse to the Rules or the settled principle of law.

6. The further prayer of the petitioners is that the benefit of rounding off should have only been given for a period of three years prior to the filing of the Original Application.

7. As per the settled principle of law settled by the Hon'ble Supreme Court of India in ***Civil Appeal No.3086 of 2012*** titled "***Balbir Singh***



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vs. Union of India and others”, decided on 08.04.2016, wherein also 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.

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.”

8. It may be noticed that once the principle of law was settled, the respondents were under an obligation to grant the relief to all the concerned, who are covered by the said decision. Rather than granting a relief, the petitioners forced everyone to approach this Court to claim the same relief and then to raise the argument that the arrears should be restricted. This is not permissible especially when, the Union is at fault in not granting the benefit



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admissible under the Rules governing the service as well as the settled principle of law.

- 9. No ground is made out for any interference by this Court in the facts and circumstances of the present case.
- 10. Accordingly, the writ petition is dismissed.
- 11. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

August 20, 2025
Varinder

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No