



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

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CWP-12947-2025 (O&M)

Date of Decision: 20.08.2025

Union of India and others**....Petitioners****Versus****IC-40818X Maj Gen Rambir Singh Mann****....Respondent**

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

Present: Ms. Gehna Vaishanvi, Senior Panel Counsel
for the petitioners.

Mr. Rajesh Sehgal, Advocate
Ms. Srishti Sharma, Advocate
Mr. Navdeep Singh, Advocate
for the respondent.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 19.07.2021 (Annexure P-1) passed by the Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal'), on the ground that the benefit of disability pension has been allowed in favour of the respondent by misreading the facts and the pension regulations.

2. Learned counsel for the petitioners argues that despite the fact that the disability assessed by the Release Medical Board was less than 20%, the benefit has been extended of the disability pension which is not admissible as, the disability pension can only be made admissible in case the disability is



found to be 20% or more and that too attributable to the military service or aggravated by the military service. Learned counsel for the petitioners further submits that the order dated 19.07.2021 passed by the Tribunal is perverse keeping in view the fact and the settled principle of law.

3. Keeping in view the advance notice given, the respondent has appeared and has rather filed a short reply to contend that even as per the respondents themselves, the composite disability assessed for Multiple Myeloma Stage II-A (*Cancer*), *Migraine* and *Chronic Rhino Sinusitis* is 42.2% and the said disabilities are attributable to the military service as well as aggravated by the military service.

4. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

5. It may be noticed that the respondent was enrolled in Army on 24.12.1982 and retired in a low medical category on 30.11.2019. He had worked for a period of approximately 37 years and at the time of being relieved, he was suffering from Multiple Myeloma Stage II-A (*Cancer*), *Migraine* and *Chronic Rhino Sinusitis*, which combined disability was assessed at 42.2%.

6. It may be noticed at the time when the respondent was released i.e. on 30.11.2019, he was only assessed qua the disability of *Cancer*, which was assessed at 15% and declared the *Cancer* is not attributable to the military service or aggravated by the military service, the respondent had approached the Tribunal for enhancement of the disability percentage and requested that he should be re-assessed by the Medical Board.

7. It is a conceded position that the Review Medical Board when



assessed the respondent again, he was found suffering from *Cancer, Migraine* and *Chronic Rhino Sinusitis*. The total disability was found to be 42.2% and out of the three disabilities except *Cancer*, the both were found to be aggravated by the military service.

8. Keeping in view the said position, especially the Rules according to which, only the *Cancer* being suffered by the officer concerned, due to smoking, is to be treated not attributable to the military service whereas, in the present case the *Cancer* being suffered by the respondent was due to the reason other than smoking, keeping in view the judgment of Hon'ble Supreme Court of India in ***Dharamvir Singh vs. Union of India and others, (2013) 7 SCC 316***, the Tribunal came to the conclusion that all the three ailments are either attributable to the military service or aggravated by the military service, as the case may be. The said findings have not been shown to be perverse in any manner even during the hearing of the present case.

9. Further, as per the settled principle of law as settled by the Hon'ble Supreme Court of India in ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761***, any officer serving with the Military, who had undergone the medical examination at the time of selection and was found fit, subsequently upon suffering a disability is entitled to the benefit of disability pension as the presumption would be that the disability suffered is attributable to the Military service by rounding off the said percentage of disability, the relevant paragraph of the said judgment is as under:-

“4. By the present set of appeals the appellant(s) raise the question, whether or not, an individual, who has retired on attaining the age of superannuation or on completion of his tenure of



engagement, if found to be suffering from some disability which is attributable to or aggravated by the military service, is entitled to be granted the benefit of rounding-off of disability pension. The appellant(s) herein would contend that, on the basis of Circular No. 1(2)/97/D(Pen-C) issued by the Ministry of Defence, Government of India, dated 31.01.2001, the aforesaid benefit is made available only to an Armed Forces Personnel who is invalidated out of service, and not to any other category of Armed Forces Personnel mentioned hereinabove.

5. We have heard learned counsel for the parties to the lis.

6. We do not see any error in the impugned judgment(s) and order(s) and therefore all the appeals which pertain to the concept of rounding-off of the disability pension are dismissed, with no order as to costs.

7. The dismissal of these matters will be taken note of by the High Courts as well as by the Tribunals in granting appropriate relief to the pensioners before them, if any, who are getting or are entitled to the disability pension.”

10. Learned counsel for the petitioners has not been able to dispute the said proposition of law having been settled by the Hon’ble Supreme Court of India in **Ram Avtar’s case (supra)** to the effect that percentage of disability to be rounded off and when applied in the present case, disability of 20% is to be rounded off to 50%.

11. Keeping in view the facts and circumstances of the present case as well as the settled principle of law in **Ram Avtar’s case (supra)** once, at the



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time of selection, the respondent was medically examined and was found fit in all aspects and it was only during the continuation of service that the respondent was found suffering from *Cancer, Migraine* and *Chronic Rhino Sinusitis*. That being so, the said disease has to be attributed to the military service and the report of medical board cannot take away the right of the respondent to claim the benefit of disability pension @ 50% by rounding it off.

12. Hence, in the absence of any perversity being pointed out in the impugned order dated 19.07.2021 (Annexure P-1) either on the basis of the facts or the settled principle of law, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

13. No other argument has been raised.

14. Accordingly, the writ petition is dismissed.

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

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

August 20, 2025
Varinder

Whether speaking/reasoned : Yes
Whether reportable : No