



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

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CWP-13538-2025

Date of Decision: 21.08.2025

Union of India and others**....Petitioners****Versus****Ex Lt. Col. Shanjit Singh Bhullar and another****....Respondents**

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

Present: Ms. Geeta Singhwal, Advocate
for the petitioners.

Mr. P.S.Thiara, Advocate and
Mr. A.P.S.Virk, Advocate
for respondent No.1.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 10.10.2018 (Annexure P-1) passed by the Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal), by which, the benefit of disability pension has been allowed in favour of respondent No.1 by rounding off the disability element which was assessed at between 15% to 19%, and was treated as 20% to be rounded off to 50% for life.

2. Learned counsel for the petitioners submits that respondent No.1 had himself requested for relieving him from the service hence, the disability pension cannot be allowed and further that the disability was assessed less



than 20% hence, as the disability was less than 20% which is must for the grant of benefit of disability pension, the Tribunal exceeded its jurisdiction while granting the relief of rounding off @ 50% as against 20% (15%-19%).

3. Learned counsel appearing on behalf of respondent No.1 submits that it is a conceded case that the disability of *Fracture Head of Radius (LT) OPTD V-813, E-885*, which was suffered by respondent No.1 while in service has already been held to be attributable to the military service. Learned counsel for respondent No.1 further submits that as per the settled principle of law settled in ***Civil Appeal No.5605 of 2010*** titled ***Sukhvinder Singh vs. Union of India and others***, decided on 25.06.2014 even if the disability is less than 20%, but the officer cannot discharge the duties and has to be relieved, the same is to be treated minimum of 20% so as to grant the benefit of disability pension and said disability of 20% has rightly been rounded off by the Tribunal to 50% keeping in view the judgment of the Hon'ble Supreme Court of India in ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761***.

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

5. On being asked as to whether, with the disability suffered, respondent No.1 could have continued in service and perform the duties without any hindrance, learned counsel for the petitioners has not been able to rebut that with the said disability, respondent No.1 could not have continued in service. Once, the officer concerned could not have continued in service, the only option was either he should be invalidated out or respondent No.1 should get relieved from service. Once, the reason for being relieved from



service is the injury, which respondent No.1 suffered claiming active service the claim of the petitioner that the disability pension could not be granted cannot be accepted especially when the disability is attributable to the military service.

6. As per the judgment in ***Sukhvinder Singh's case (supra)***, the injury even if the same is less than 20%, but for the purpose of the grant of pension, the same has to be treated as minimum of 20%. The relevant paragraph of the judgment is as under:

“We are of the persuasion, therefore, that firstly, any disability not recorded at the time of recruitment must be presumed to have been caused subsequently and unless proved to the contrary to be a consequence of military service. The benefit of doubt is rightly extended in favour of the member of the Armed Forces; any other conclusion would be tantamount to granting a premium to the Recruitment Medical Board for their own negligence. Secondly, the morale of the Armed Forces requires absolute and undiluted protection and if an injury leads to loss of service without any recompense, this morale would be severely undermined. Thirdly, there appear to be no provisions authorising the discharge of invaliding out of service where the disability is below 20 percent and seems to us to be logically so. Fourthly, whenever a member of the Armed Forces is invalided out of service, it perforce has to be assumed that his disability was found to be above 20%. Fifthly, as per the extant Rules/Regulations, a disability leading to invaliding out of service would attract the grant of fifty percent disability pension.”

7. Further, as per the settled principle of law settled by the Hon'ble Supreme Court of India in ***Ram Avtar's case (supra)***, any disability of 20%, is



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to be rounded off to 50%, which settled principle of law has not been rebutted by the learned counsel for the petitioners.

8. It may be noticed that the order passed by the Tribunal in the year 2018 has been challenged by the petitioners in the year 2025, i.e. after a period of seven years. The respondents have not implemented the judgment in favour of the respondents for sufficiently long time hence, the respondents are directed to implement the said judgment within a period of four weeks from the date of the receipt of copy of this order.

9. Keeping in view the totality of the circumstances, the order dated 10.10.2018 (Annexure P-1) passed by the Tribunal, keeping in view the facts and circumstances of the present case coupled with the settled principle of law, has not been shown to be perverse in any manner.

10. 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