



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(108)

CWP No. 13881 of 2025

Date of Decision : 19.08.2025

Union of India and others

...Petitioners

Versus

Ex. Sep Krishan Singh and another

...Respondents

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

Present: Mr. Akash Vashisth, Central Government Counsel
for the petitioners.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the prayer of the petitioners is for setting-aside the order dated 11.10.2021 (Annexure P-8) passed by the Armed Force Tribunal (Regional Bench), Chandigarh (hereinafter referred to as 'Tribunal'), by which disability of respondent No. 1 assessed at 14% has been rounded off to 50% which order has been assailed by the petitioners after a period of approximately four years.

2. Learned counsel for the petitioners submits that when the respondent No. 1 was invalided out of service after rendering approximately 21 years of service with Army, his disability due to '*GD II Frost Bite (LT) Great Toe with GD-1 Frost Bite Nose (T-35.7)*' was found to be less than 20% though, the same was declared to be attributable to the military service. Learned counsel for the petitioners submits that once the disability has been assessed less than at 20%, though found to be attributable to military service, cannot entitle the respondent No. 1 for benefit of disability pension, which fact has



been ignored by the Tribunal while passing the impugned order dated 11.10.2021 (Annexure P-8).

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

4. It may be noticed that the disability which the respondent No. 1 incurred has been found to be attributable to the military service, which is a conceded fact. The only argument raised by the petitioner-UOI is that since the disability was assessed at 14%, which is less than 20%, the same would not entitle respondent No. 1, so as to grant the benefit of disability pension. Qua the said issue, the same has been considered by the Tribunal and by placing reliance upon the judgment of the Hon'ble Supreme Court of India in Civil Appeal No. 5605 of 2010 titled as ***Sukhvinder Singh Vs. Union of India and others***, decided on 25.06.2014, the benefit has been extended to respondent No. 1 on the ground that wherever, the Member of Armed Forces is invalided out of service, it perforce has to be assumed that the disability was found to be above 20% and as per the Rules/Regulations, the said disability has to be rounded off to the 50% for the grant of disability pension. The relevant paragraph of the said judgment is as under :-

“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.”

5. Learned counsel for the petitioners has not been able to dispute the said fact. Once, the rounding off of the disability is admissible, the granting of the benefit of disability pension @ 50% to the respondent No. 1, cannot be



treated as arbitrary and illegal rather the same is in consonance with the judgment of the Hon'ble Supreme Court of India in ***Sukhvinder Singh (supra)***. Learned counsel for the petitioners has not been able to dispute the applicability of ***Sukhvinder Singh's case (supra)***, in the facts and circumstances of the present case in the case of respondents.

6. The argument put forth by the petitioner-UOI is that the respondent No. 1 was invalided out of service after his own request. It may be noticed that once the disability was found to be suffered during the military service, merely that after rendering 21 years of service, he was invalided out on his own request, especially when, he was not able to perform the duties, it cannot be said that such invalidated officer will not be entitled for the benefit of disability pension, especially when the disability is concededly found to be attributable to the military service.

7. As, the petitioners have failed to point out any perversity in the judgment passed by the Tribunal on the basis of facts on record or on the basis of the settled principle of law, no ground is made out for any interference by this Court in the present petition.

8. Dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

August 19, 2025
kanchan

Whether speaking/reasoned : Yes
Whether reportable : No