



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

137

CWP-14558-2025

Date of Decision: 20.08.2025

Union of India and others

....Petitioners

Versus

Som Datt and another

....Respondents

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

Present: Ms. Neha Jain, Senior Panel Counsel
for the petitioners.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 16.11.2018 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which, respondent No.1 has been allowed the benefit of disability pension by rounding off the disability element from 30 % to 50 % for life on the ground that the same is perverse.

2. The only argument raised by learned counsel for the petitioners is that respondent No.1 is not entitled to the benefit of rounded off the disability pension from 30% to 50% by placing reliance upon the judgment of the Hon'ble Supreme Court of India in ***Union of India and others vs. Ram Avtar,***



2014 SCC Online SC 1761, thus, the grant of benefit of disability pension to respondent No.1 by rounding off @ 50% is incorrect and the facts of the present case have not been appreciated in correct perspective by the Tribunal while passing the impugned order dated 16.11.2018 (Annexure P-1).

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

4. As per the settled principle of law settled by Hon'ble Supreme Court of India in **Ram Avtar's case (supra)**, any officer serving in the Armed Forces, who had undergone the medical examination at the time of his/her selection and was found fit, subsequently upon suffering a disability, is entitled to the benefit of disability pension by rounding off the same as the presumption would be that the disability suffered is attributable to the Military service. Relevant paras of the judgment in **Ram Avtar's case (supra)**, are 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.”*

5. 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 30% to be rounded off to 50%.

6. Keeping in view the facts and circumstance of the present case as well as the settled principle of law settled in **Ram Avtar's case (supra)**, respondent No.1 has rightly been held to be entitled to disability pension by rounding off the disability element from 30% to 50% w.e.f. 01.11.2006.

7. No other argument has been raised.

8. Hence, in the absence of any perversity being pointed out in the impugned order dated 16.11.2018 (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.



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9. Accordingly, the writ petition is dismissed.
10. 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