



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

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CWP-14424-2025

Date of Decision: 21.08.2025

Union of India and others**....Petitioners****Versus****Ex. NK Joginder Singh and another****....Respondents**

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

Present: Ms. Shalini Atri, Senior Panel Counsel
for the petitioners.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 21.12.2022 (Annexure P-3) passed by the Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal'), by which, the benefit of war pension from 10.12.1983 has been given in favour of respondent No.1, on the ground that the same is perverse.

2. Learned counsel for the petitioners argues that the benefit of war pension could not have been given though, the disability suffered by the official concerned, led his death ultimately i.e. 04.10.2021. Learned counsel for the petitioners further submits that the officer concerned was on duty though at a high altitude but the injury suffered was due to the fact which occurred on a particular day and the area where the respondent No.1 was posted, could not have been treated as a war zone so as to grant the pension



admissible while serving in a war zone wherein, the officer suffered disability.

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

4. It may be noticed that the officer concerned was posted at a high altitude and was on a patrolling duty from Timer Sain via Chor Hoti Dhura having 22 kilometers distance but, due to the high altitude and the inclement weather, as high intensity winds were blowing, the patrolling party had to return but got stuck up in between wherein, the respondent No.1 got lost along with some other members of the patrolling party and were buried under snow for a period of one day before they were rescued ultimately. Further, two of the members of the patrolling party unfortunately sacrificed their lives for nation while performing the duty for the nation and the respondent No.1 suffered *Frost Bite* which led to amputation of the fingers and hands which resulted in 100% disability.

5. As per the order dated 21.12.2022 passed by the Tribunal, it has already come that officers concerned were on operation duty and they received the injuries in an operation area which was being operated under the code name 'Operation Hornet' and once, they were part of a particular operation and suffered the disability while performing the duties in the said operation, it cannot be said that the benefit granted by the Tribunal that respondent No.1 is entitled for the pension for the disability suffered by treating the same to have been suffered in the war zone, is incorrect.

6. Rather than recognizing the sacrifices of the Soldiers including respondent No.1, after a period of three years of order passed by the Tribunal, the present petition has been filed challenging the order dated 21.12.2022



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(Annexure P-3), which is unfortunate.

7. No other argument has been raised.

8. Keeping in view the totality of the circumstances that 100% disability was suffered by respondent No.1 while serving the nation at a high altitude and that too under an operation duty, the grant of benefit by the Tribunal cannot be treated as arbitrary, illegal or perverse.

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

(VIKAS SURI)
JUDGE

August 21, 2025

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No