



RSA-271-2007 (O&M)

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

RSA-271-2007 (O&M)

Reserved on : 17.11.2025

Pronounced on : 22.12.2025

Uploaded on : 23.12.2025

Badlu Ram (since deceased) through his L.RAppellant

Vs.

State of Haryana and othersRespondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMAPresent : Mr. R.S.Sangwan, Advocate,
for the appellant.Mr. Harish Nain, AAG, Haryana,
for the respondents.

SUDEEPTI SHARMA J.

1. The present Regular Second Appeal is preferred against the judgment and decree dated 10.06.2005 passed by learned Additional Civil Judge (Senior Division), Rewari, whereby, the civil suit filed by the appellant was dismissed, as well as against judgment and decree dated 23.08.2006 passed by learned Additional District Judge, Rewari, whereby the appeal filed against judgment and decree dated 10.06.2005, passed by learned Additional Civil Judge (Senior Division), Rewari, was also dismissed.

BRIEF FACTS

2. Brief facts of the case, as pleaded in the civil suit, are that appellant-Badlu Ram was appointed on the post of Welfare Organizer in the

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pay scale of Rs.950-20-1150-EB-25-1400 with effect from 21.04.1994 in Zila Sainik Board, Rewari, vide letter No.ZSB/6/Est/1167 dated 21.04.1994 issued by the Deputy Commissioner & President, Zila Sainik Board, Rewari. The appellant-Badlu Ram was required to furnish medical fitness certificate from the Civil Surgeon before joining the post. He performed his duties honestly and sincerely but unfortunately, he became victim of Hemiplegia while on duty on 22.06.1998 and was admitted in Base Hospital, Delhi Cantt. on 23.06.1998. After discharge from the hospital, he continued to perform his official duties till 13.01.1999 when he was finally pushed out from his job. The Secretary, Zila Sainik Board, Rewari, vide letter dated 23.11.1998, requested the Civil Surgeon, Rewari, for medical examination of appellant-Badlu Ram and the Civil Surgeon, Rewari, after examining appellant-Badlu Ram on 13.01.1999 gave the opinion that due to Hemiplegia, he is unfit to continue his service. He pleaded that he became victim of Hemiplegia when he was on duty and therefore, he is entitled to get disability pension from 22.06.1998. He also pleaded that he is entitled to monthly payment from October, 1998 till 13.01.1999. He, therefore, gave legal notice through his counsel, which was not responded to by the respondent-department. Therefore, he filed civil suit, which was dismissed by learned Additional Civil Judge (Senior Division), Rewari, vide its judgment and decree dated 10.06.2005. Thereafter, he filed appeal against the judgment and decree dated 10.06.2005, which was also dismissed by



learned Additional District Judge, Rewari, vide its judgment and decree dated 23.08.2006. Hence, the present regular second appeal.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES

3. Learned counsel for the appellant contends that both the Courts erred in law in dismissing the civil suit as well as the appeal filed by the appellant-Badlu Ram by holding that he is not entitled to get disability pension on the ground that disability was not attributed or aggravated by military service. He further contends that both the Courts totally ignored the Civil Service Rules applicable in the case of appellant-Badlu Ram. He, therefore, prays that the present appeal be allowed.

4. *Per contra*, learned counsel for the respondents submits that both the Courts have rightly dismissed the civil suit as well as appeal filed by appellant-Badlu Ram. Therefore, he prays that the present appeal be also dismissed.

5. I have heard learned counsel for the parties and perused the whole record of the case with their able assistance.

6. Admittedly, appellant-Badlu Ram was appointed as Welfare Organizer in Zila Sainik Board, Rewari, on 21.04.1994. Lieutenant Colonel D.V.Yadav (Retired), who was examined as PW-1, stated that he remained posted as Secretary in Zila Sainik Board, Rewari, from 18.03.1993 to March, 1999. He further stated that he personally knew appellant-Badlu Ram and that on 22.06.1998, appellant-Badlu Ram attended office and during duty time, he suffered paralysis and was sent to Base Hospital, Delhi Cantt. on



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23.06.1998. He further stated that appellant-Badlu Ram got medically examined from Civil Hospital, Rewari, and Ex.PW1/A is letter regarding medical examination. Further, stated that Civil Surgeon, Rewari, gave the opinion that appellant-Badlu Ram was unfit to perform his duty and Mark 'A' is the opinion of Civil Surgeon, Rewari. He further stated that thereafter, he terminated the services of appellant-Badlu Ram. He further stated that no disability pension was given to appellant-Badlu Ram. Further stated that appellant-Badlu Ram did not produce any disability certificate. And that appellant-Badlu Ram was authorized to get disability pension. During his cross-examination, he admitted that any person can be victim of Hemiplegia at any time. He proved letter Ex.DA.

7. Appellant-Badlu Ram supported his case in his affidavit Ex.PW2/A. He stated that he was appointed as Welfare Organizer in Zila Sainik Board, Rewari, vide appointment letter dated 21.04.1994. Ex.PW2/B is the appointment letter. He also stated that on 22.06.1998 when he was on duty, he became victim of paralysis and was got admitted in private nursing home by peon and sweeper. He further stated that he was admitted in Base Hospital, Delhi Cantt. on 24.06.1998 and got treatment till 01.07.1998. Ex.PW2/C is the discharge certificate. He further stated that after getting discharged, he performed his duty. Thereafter, he was asked for medical examination on 23.11.1998. He further stated that he was not found fit for service by the doctor on 13.01.1999 and his services were terminated on 14.01.1999. He also stated that he did not give any application for seeking



retirement and he remained in service till 13.01.1999 in Zila Sainik Board, Rewari, therefore, he is entitled to get disability pension. Ex.PW2/D is disability certificate alongwith other averments.

8. Dr. Ashok Saini was examined as PW4, who stated that on 18.04.2001, appellant-Badlu Ram appeared before him to get disability certificate. He also stated that disability of appellant-Badlu Ram was found to be 75%. Ex.PW2/D is the disability certificate.

9. Ram Niwas, Head Clerk, was examined as DW-1, who stated that appellant-Badlu Ram was appointed on the post of Welfare Organizer w.e.f 21.04.1994 in Zila Sainik Board, Rewari, and during his service, he became victim of Hemiplegia. He also stated that appellant-Badlu Ram was referred to Chief Medical Officer, Rewari, for medical examination on 15.01.1998 so that he may be granted extension of service beyond the age of 55 years. Further stated that appellant-Badlu Ram was declared unfit for further service and due to that reasons, he was not recommended for extension of his service. He proved Ex.PW1/A copy of the letter and Ex.PW1/B unfit certificate. He also stated that appellant-Badlu Ram himself applied for discharge from service. Ex.PW1/C is the copy of said application. Further stated that Deputy Commissioner and President of Zila Sainik Board, Rewari, relieved appellant-Badlu Ram from service at his own request w.e.f. 14.01.1999. He further stated that appellant-Badlu Ram is not entitled to get disability pension and no amount is due towards the department. During cross-examination, he denied the suggestion that



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appellant-Badlu Ram was given less amount and admitted the signatures of appellant-Badlu Ram on the pay slips for October, 1998 and December, 1998.

10. A perusal of the written statement filed by the respondent-State shows that it is admitted fact that appellant-Badlu Ram was unfit for service due to Hemiplegia and hence, not recommended for extension.

11. The issue involved in the present appeal is whether the appellant, Badlu Ram, is entitled to get disability pension and his widow is entitled to get family pension or not?

14. This Court in **Raghubir Chand Vs. State of Haryana 1997(1) S.C.T. 503** held as under:-

“5. I have heard the learned counsel representing the parties and gone through the records and I am of the view that if a particular matter is specifically dealt with in a separate rule, it is that rule which will apply and would preclude the applicability of a general rule. If an employee was to get pension only after serving ten years, then in that case whatever might have been the circumstances of his retirement, he would have been entitled to pension. An employee could retire after ten years of service on the ground that he had become physically unfit to serve. There was absolutely no necessity to frame a separate rule dealing with the retirement of an employee when he was to become physically unfit to hold the post.”



15. The judgment passed by this Court in ***Raghubir Chand's*** case (supra) was thereafter, upheld by a Division Bench of this Court in **Parvesh Devi Vs. State of Haryana & others 2007 (1) S.C.T. 609** and reference was also made to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short, the 'Disability Act'). In that case, there was no order of retirement and the petitioner was lying in coma being 100% incapacitated due to the head injury suffered by him. This Court, keeping in view the provisions of the Disability Act, apart from granting pension, also directed that the petitioner would be entitled for salary till his date of superannuation alongwith interest @ 8%. Relevant portion of the judgment reads as under:

“10. In view of the above, the writ petition is allowed. Order dated 4.6.2002 (Mark “A”) relieving the petitioner from service and order dated 15.2.2005 (Annexure P.8) declining the request of the husband of the petitioner for grant of pension are quashed. Respondents are directed to pay salary to the petitioner as per the rates by deeming fiction as if he is in service and has been working against a supernumerary post. The arrears of pay as was being drawn by the husband of the petitioner be calculated from 1.7.2002 upto date and the payment be made to the wife of the petitioner in accordance with the rules within a period of one month from the date certified copy of the order is produced before the respondents. The salary every month shall be paid to the petitioner till the date of superannuation. The respondents shall also be liable to pay interest @ 8 percent on the arrears of salary from the



date the salary was due i.e. 1.7.2002 till the date of its payment. The amount of Rs.39040/- already paid to the petitioner as service gratuity shall be set off from the arrears of salary. On attaining the age of superannuation, the respondents shall pass an order of retirement alongwith an order calculating the pension of the husband of the petitioner in accordance with law. The wife of the petitioner shall also be entitled to family pension accordance with the rules.”

16. Admittedly, in the present case, appellant-Badlu Ram became victim of Hemiplegia while on duty on 22.06.1998. PW4-Dr. Ashok Saini, Medical Officer, Government Hospital, Rewari approved certificate Ex.PW2/D, whereby he declared appellant-Badlu Ram as disabled to the extent of 75% on account of Hemiplegia.

19. Learned counsel for the appellant contends that appellant-Badlu Ram died on 08.05.2007 and his wife is seeking family pension being his legal representative.

17. In view of the above referred to judgments, which have attained finality, and the facts of this case as explained above, the present appeal is **allowed**. Appellant-Badlu Ram became victim of Hemiplegia while on duty on 22.06.1998 but worked till 13.01.1999, therefore, appellant-Badlu Ram is held entitled to salary w.e.f 22.06.1998 till 13.01.1999, when his services were terminated and thereafter, he is entitled to disability pension w.e.f 14.01.1999 till his death and his widow is entitled to family pension after the death of appellant-Badlu Ram.



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18. Consequently, judgment and decree dated 10.06.2005 passed by learned Additional Civil Judge (Senior Division), Rewari, as well as the judgment and decree dated 23.08.2006 passed by learned Additional District Judge, Rewari, are hereby set aside. Civil suit filed by the appellant-Badlu Ram is decreed in his favour.

20. Since, the present regular second appeal pertains to the year 2007, respondents are directed to calculate monthly salary of appellant-Badlu Ram from October, 1998 till 13.01.1999 and his disability pension w.e.f. 14.01.1999 till his death, as well as to further calculate family pension to be given to the widow of appellant-Badlu Ram after the death of appellant-Badlu Ram onwards, along with interest at the rate of 9% per annum and deposit the total amount calculated in the account of widow of appellant-Badlu Ram within a period of six months from the date of receipt of certified copy of this judgment. The widow of appellant-Badlu Ram is directed to furnish her bank accounts detail to the respondent-department.

21. Parties are left to bear their own costs.

22. Decree sheet be drawn.

23. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

22.12.2025

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No