



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

**CWP No.16934 of 2025
Date of Decision: 01.07.2025**

Union of India and others

...Petitioners

Versus

JC579327-A Ex. Hony LT. Rattan Singh Gautam and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Ms. Promila Nain, Advocate, Senior Panel counsel
for the petitioners.

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SANJEEV PRAKASH SHARMA J.(Oral)

The challenge in this writ-petition is to the order dated 07.03.2019 (Annexure P-1) passed by respondent No.2-Armed Force Tribunal (for short 'the AFT') whereby the AFT granted War Injury Pension to the applicant (respondent No.1 herein) for life w.e.f. 01.09.2006 in terms of the letter dated 30.10.1987 which allows grant of War Injury Pension to cases where the degree of disability is assessed as below 20% at the time of invalidment or at any subsequent reassessment stage.

2. We notice that the AFT has also taken into consideration the letter dated 31.01.2001 which allows grant of War Injury Pension. It is an admitted position that respondent No.1 was invalided out of service on account of the war injury which occurred during the 'Operation Rakshak' resulting in permanent disability.



3. Learned counsel for the petitioners submits that the said injury caused during the 'Operation Rakshak' was less than 20%.

4. However, in view of the Ministry of Defence letter dated 31.01.2001, we are of the firm view that if there is no embargo in taking War Injury Pension even if the degree of disability is less than 20%, the said War Injury Pension element has to be added. Accordingly, the instant writ-petition is without any force. The order passed by the AFT-respondent No.2 on 07.03.2019 (Annexure P-1) is upheld. We notice that this writ-petition has been filed in the year 2025 challenging the order passed on 07.03.2019 (Annexure P-1) without any clarification. No reasons are coming forward for inordinate delay and the writ-petition has to be dismissed on this count too.

5. Accordingly, the present writ-petition is dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

01.07.2025
seema

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>