

**CWP-18335-2025****1**

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

(202)**CWP-18335-2025****Date of Decision : September 22, 2025****Union of India and others****.. Petitioners****Versus****Balvir Singh and another****.. Respondents**

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

Present: Mr. Naveen Gupta, Senior Panel Counsel,
for the petitioners-UOI.

Mr. Rajeev Anand, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 01.03.2023 (Annexure P-1) passed by the respondent No.2-Armed Forces Tribunal, Chandigarh Bench (hereinafter referred to as 'The Tribunal') whereby which, the benefit of total service rendered by respondent No.1 has been directed to be taken into consideration for adjudging the entitlement for the grant of pensionary benefits.

2. Learned counsel for the petitioners argues that in the present case, respondent No.1 joined the Army on 10.01.2004 and was ordered to be discharged from service w.e.f. 01.02.2021 and respondent No.1 claimed to have rendered more than 15 years of service in total. However, petitioners contend that a period of 1134 days of non-qualifying service was forfeited and must be deducted from the total service and with this deduction, it is conceded that total qualifying service of respondent No.1



was less than 15 years thereby dis-entitling him from pension, which aspect has been ignored by the Tribunal while passing the order dated 01.03.2023 (Annexure P-1).

3. Learned counsel appearing on behalf of the respondent No.1 submits that the benefit under Regulation 123 (b) of the Pension Regulations for the Army, Part-I, 1961 has been granted correctly by the Tribunal. According to the said Regulation, if after forfeiture of the service, in case the Officer works for another period of three years with exemplary conduct, the forfeited service has to be counted for the pension and gratuity. In the present case, the respondent No.1 had 17 years of service to his credit which is above the minimum i.e. 15 years hence, the benefit granted by the Tribunal is perfectly valid and legal.

4. We have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It is a conceded fact that respondent No.1 was enrolled in the Army on 10.01.2004 and was discharged w.e.f. 01.02.2021. In case, the entire service is taken into account, it amounts to more than 15 years, which is required for the grant of pension.

6. The only argument raised by the petitioners is that while respondent No.1 was in service, his service of 1134 days was ordered to be forfeited. The said fact is also conceded by the learned counsel for the parties concerned.

7. The issue which arises is whether the said period of 1134 days is to be taken into account while considering the entitlement of respondent No.1 for pension or not.



8. Regulation 123 (b) of the Pension Regulations for the Army, Part-I, 1961, reproduced by the Tribunal in paragraph 11 of the order dated 01.03.2023 (Annexure P-1). The same is also reproduced for the ready reference:

“ (123 b) A person who has forfeited service under the provisions of preceding clause but has not been dismissed shall on completion of any period of three years further service with exemplary conduct and without any red ink entry be eligible to reckon the forfeited service towards pension and gratuity.”

9. A bare perusal of the aforesaid provision would show that the forfeited service has to be taken into account for purposes of pension and gratuity provided, the officer subsequent to such forfeiture of service has rendered an additional period of three years and that too with an impeccable record. In the present case, it is a conceded position that after the forfeiture of 1134 days of service, the respondent No.1 had worked for more than seven years and that too without any blame. Accordingly, by virtue of Regulation 123 (b) of the Pension Regulations for the Army, Part-I, 1961, the benefit of the total service rendered by respondent No.1 was to be taken into consideration for adjudging his entitlement to the grant of pension.

10. Further, it is a conceded position that, with the addition of 1134 days, the service rendered by respondent No.1 surpasses the benchmark of 15 years, thereby entitling him to pensionary benefits. That being so, the benefit granted by the Tribunal to the respondent No.1 is perfectly valid and legal.

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11. Learned counsel for the petitioners has not been able to show that the judgment of the Tribunal is perverse either on facts or on law.

12. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

13. Accordingly, the writ petition is dismissed.

14. Civil miscellaneous application pending if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

September 22, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No