



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

CWP-19848-2025

Date of Decision : 30.07.2025

UNION OF INDIA AND OTHERS

....Petitioners

VERSUS

No.197303-T, EX.CHEAA JAGDISH AND ANOTHER

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Rohit Verma, Advocate
for the petitioners-UOI.

ASHWANI KUMAR MISHRA, J. (ORAL)

1. The instant petition is directed against order dated 19.01.2024, as passed by the Armed Forces Tribunal, Regional Bench Chandigarh, at Chandimandir (hereinafter referred to as "the Tribunal") in OA-765-2022, whereby, the Tribunal has allowed the relief of rounding-off the disability to 50% for the disability element of disability pension in terms of the judgment of the Hon'ble Supreme Court rendered in *Civil Appeal No. 418 of 2012* titled as **Union of India and Others Vs. Ram Avtar** ; SCC Online SC 1761.

2. The only ground on which the judgment of the Tribunal is assailed is that the disability, as suffered by respondent No.1 could not have been attributed to the military service.

3. This Court has confronted the learned counsel for the petitioners to the findings rendered by the Tribunal in the impugned judgment in paragraphs 7 to 9, which are reproduced as under:-

"7. In view of the judgment rendered by Hon'ble Supreme Court and the facts of case that the applicant has suffered disability because of stress and strain of military service and claim has been

wrongly denied to him, the applicant is certainly entitled to disability element of disability pension @20% w.e.f. 21.01.2020 for life as assessed by Re-survey Medical Board.

8. *Further as per the judgment of Hon'ble Supreme Court in Civil Appeal No.418/2012 titled Union of India Vs Ram Avtar decided on 10.12.2014, the applicant herein is held entitled to disability element of disability pension @ 50% for life as against 20%.*

9. *In view of above, the original application is accepted and the applicant is held entitled to disability element of disability pension @ 20% by granting the benefits of rounding off @50% w.e.f. 21.01.2020 for life as per report of Re-survey Medical Report within a period of four months from today and make the payment to him within the same time failing which the applicant shall be entitled to recover interest @ 8% per annum till realisation of entire amount."*

4. Learned counsel for the petitioners has not been able to show any perversity or illegality in the finding of the Tribunal. The factum of disability is not in dispute. Even otherwise, the controversy raised in the matter stands adjudicated by our judgment of even date delivered in ***CWP-20287-2025 and other connected petitions, titled as "UNION OF INDIA AND OTHERS VS. IC-41068W MAJ. GEN. ANIL CHAUDHARY (RETD) AND ANOTHER.*** Once that be so, this Court finds no good ground to interfere with the impugned judgment of the Tribunal. Accordingly, the Writ Petition is ***dismissed***.

5. All pending applications in this case are disposed of accordingly.

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

July 30, 2025

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No