



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

CWP No.17935 of 2025

Date of Decision: 03.07.2025

Union of India and others

...Petitioners

Versus

Smt. Ram Pyari and another

...Respondents

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

Present:- Mr. Ashish Chaudhary, Senior Panel Counsel, UOI
for the petitioners.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Learned Armed Forces Tribunal (for short 'the AFT') passed an order dated 08.02.2019 in a way directing as under:-

“ The Original Application is, accordingly, allowed and applicant is held entitled for the Life Time Arrear of service element of DSC service and disability element @ 50% against 30% disability w.e.f. 01.05.1996 for one year and service element of disability pension upto 10.05.2006, that is, date of death of her late husband and thereafter dual family pension with effect from 24.09.2012 for life. The respondents are directed to calculate the arrears accordingly and to pay the same to the applicant within a period of three months from the date of receipt of a certified copy of this order by the learned counsel for the respondents/OIC, Legal Cell, failing which the arrears carry an interest @ 8% p.a. from the date of this order. ”



2. The challenge by learned counsel for the petitioners-UOI is that learned AFT ought not to have enhanced the disability element from 30% to 50% for the DSC service.

3. However, in terms of the judgment passed by Hon'ble Apex Court in the case of **Bijender Singh vs. Union of India and others, 2025 SCC OnLine SC 895**, which affirms the earlier judgment passed by the Hon'ble Supreme Court in the case of **Union of India and others vs. Ram Avtar 2014 SCC Online SC 1761**, approving the enhancement of disability pension to 50% where the disability is less than 50%, 75% where the disability is from 50% to 75% and 100% where the disability is more than 75%, we are unable to accept the contention of learned counsel for the petitioners and we dismiss the present writ petition upholding the order passed by the AFT. The impugned order shall, now, be implemented within a period of two months from today.

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

(SANJEEV PRAKASH SHARMA)
JUDGE

03.07.2025
neetu

(MEENAKSHI I. MEHTA)
JUDGE

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