



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

**CWP No.18061 of 2025
Date of Decision: 04.07.2025**

Union of India and others

.....Petitioners.

Versus

No.13781821 Ex. Rect. Parvinder Singh and another

.....Respondents.

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

Present:- Ms. Shalini Atri, Senior Panel Counsel, UOI
 for the petitioners.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Challenge in the present writ petition is to the order dated 16.02.2023 passed by the Armed Forces Tribunal, Chandigarh (for short 'the AFT') in *O.A. No.2709 of 2019* titled as "*Parvinder Singh Vs. Union of India and others*".

2. Learned counsel submits that the the disability suffered by respondent No.1 is neither attributable nor aggravated by military service.

3. We have considered the submissions.

4. The issue raised in the present writ petition is no more *res-integra*. The Hon'ble Supreme Court in a recent judgment dated 23.04.2025 in *Bijender Singh Vs. Union of India and others, 2025 SSC*



OnLine SC 895 has held as under:-

“29. A conjoint reading of various provisions, reproduced above, makes it clear that:

29.1. Disability pension to be granted to an individual who is invalided from service on account of a disability which is attributable to or aggravated by military service in non-battle casualty and is assessed at 20% or over. The question whether a disability is attributable to or aggravated by military service to be determined under the Entitlement Rules for Casualty Pensionary Awards, 1982 of Appendix II (Regulation 173).

29.2. A member is to be presumed in sound physical and mental condition upon entering service if there is no note or record at the time of entrance. In the event of his subsequently being discharged from service on medical grounds any deterioration in his health is to be presumed due to service [Rule 5 read with Rule 14(b)].

29.3. The onus of proof is not on the claimant (employee), the corollary is that onus of proof that the condition for non-entitlement is with the employer. A claimant has a right to derive benefit of any reasonable doubt and is entitled for pensionary benefit more liberally (Rule 9).

29.4. If a disease is accepted to have been as having arisen in service, it must also be established that the conditions of military service determined or



contributed to the onset of the disease and that the conditions were due to the circumstances of duty in military service [Rule 14(c)].

29.5. If no note of any disability or disease was made at the time of individual's acceptance for military service, a disease which has led to an individual's discharge or death will be deemed to have arisen in service [Rule 14(b)].

29.6. If medical opinion holds that the disease could not have been detected on medical examination prior to the acceptance for service and that disease will not be deemed to have arisen during service, the Medical Board is required to state the reasons [Rule 14(b)]; and

29.7. It is mandatory for the Medical Board to follow the guidelines laid down in Chapter II of the Guide to Medical Officers (Military Pensions), 2002.”

5. In view of the afore-said observations made by the Apex Court, a member is to be presumed in sound physical and mental condition upon entering service and any subsequent disease which he may suffer resulting in any deterioration in his health is to be presumed due to his service and the onus of dis-entitlement would be on the employer. Thus, we find that the disability suffered by respondent No.1 cannot be said to be not on account of his military service and would be held to be attributable to military service and also aggravated on account of military service. Respondent No.1 would, thus, be entitled to receive the disability pension.



6. In view thereto, we do not find any merit in the present writ petition and the same is, accordingly, dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

July 04, 2025
Yag Dutt

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