



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

CWP No.17884 of 2025

Date of Decision: 03.07.2025

Union of India and others

...Petitioners

Versus

NO JC 438962F Ex Sub Maj Labh Singh
and another

...Respondents

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

Present:- Mr. S.K. Sharma, Senior Panel Counsel, UOI
for the petitioners.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The challenge is to the order passed by the Armed Forces Tribunal (for short 'the AFT') dated 08.10.2024, whereby the application of respondent No.1 was allowed and his disability pension @ 30% was rounded off to 50%.

2. Learned counsel for the petitioners submits that at the time when respondent No.1 has been discharged from service, i.e 31.12.2014, he was in Medical Category SHAPE-1 and therefore, there was no occasion to grant him disability pension.

3. We notice that respondent No.1 was enrolled on 15.12.1986 in the Indian Armed Forces and while he was posted at Jammu & Kashmir, he suffered Fracture Medical Melledlus RT(OPTD) resulting in his being placed in the low medical category w.e.f. 24.10.1992. The Court of Inquiry



and the injury report reflected the injury to have been aggravated by the military service. However, he was upgraded to Medical Category SHAPE-1 on 30.11.2000 and thereafter, discharged in 2014. It seems that after discharge, upon representation, a Re-Survey Medical Board was conducted on 01.01.2015, i.e the next day of his discharge and the Medical Board assessed the disability of 30% for life holding it as Fracture Medical Melledlus RT (OPTD) and Plural Effusion nil. Thus, from the date he has been discharged, the authorities concerned have found him to be suffering from a disability upto 30%. In these circumstances, the AFT, after having taken into consideration the afore-said facts, directed it to be rounded off to 50% and releasing of the disability pension.

4. We do not find any reason to interfere with the considered judgment passed by the AFT dated 08.10.2024.

5. The present Civil Writ Petition is, accordingly, dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

03.07.2025
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(MEENAKSHI I. MEHTA)
JUDGE

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