



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

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**CWP-18292-2024 (O&M)
Decided on : 13.11.2025**

UNION OF INDIA AND ORS

. . Appellants

Versus

EX SEP BALWINDER SINGH ANOTHER

. . . Respondents

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

PRESENT: Ms. Neha Jain, Senior Panel Counsel
for the petitioners-UOI.

Mr. Vijender Rana, Advocate for
Mr. S. K. Nehra, advocate for the respondent No. 1.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 18.02.2019 (Annexure P-4) passed by respondent No. 2-Armed Forces Tribunal, Regional Bench, Chandigarh (for short, 'the Tribunal') by which, direction has been given to the petitioners to decide the claim of respondent No. 1 in terms of the decision of the Hon'ble Delhi High Court in Mahavir Singh Narwal versus Union of India and others, which have been affirmed by the Hon'ble Apex Court in SPL N. 24171 of 2004 dated 04.01.2008 and further direction has been given to hold re-assessment Medical Board so as to re-determine that whether the disability suffered by respondent No. 1 which has been assessed only for two years is correct or not.

2. We have heard learned counsel for the petitioners and have gone through the record of the case with his able assistance

3. The order passed by the Tribunal dated 18.02.2019 (Annexure P-4) is as under:-



“Heard the learned counsel for both the parties and perused the record.

Briefly stated the facts that the applicant was enrolled in the Army on 14.12.1994 and was invalided out of service on 31.12.2001 in low medical category BEE (Permanent) under Army Rule 13(3) Item III (iv) at his own request on compassionate grounds on account of disability "Primary Hypertension". At the time of his invalidation from service his Invaliding Medical Board (IMB) held on 26.11.2001 had opined the disability of the applicant as aggravated by military service due to the stress and strain of military service and assessed the same at 30% for two years. But the disability pension claim of the applicant was rejected by the respondents for the reason that he was discharged from service at his own request on extreme compassionate grounds which is wrong and illegal in view of the decision of Mahavir Singh Narval Vs Union of Hon'ble Delhi High Court in the case A India and Others which was reported in 2005 All India Service Law Journal 133-11[2004] DLT 550 and affirmed by Hon'ble Apex Court in SLP No 24171 of 2004 dated 04.01.2008.

In the circumstances, while setting aside the order dated 30.09.2016 [Annexure A-1(Colly)], we dispose of this Original Application with a direction to the respondents to process applicant's claim for disability pension from the date of his discharge for two years in terms of the judgment of the Delhi



High Court in the case of Mahavir Singh Narwal (supra) and release necessary benefits to the applicant as expeditiously as possible but not later than two months from the date of receipt of certified copy of this order by the learned counsel for the respondents, failing which the amount shall carry interest at the rate of 8% per annum from the date of this order.

Since the disability was assessed for two years only, therefore. Re-Assessment Medical Board of the applicant shall be held within three months from the date of this order and the applicant shall make himself available. In case he is still found disabled in the Re-Assessment Medical Board to be held now, in that case the arrears, if any, shall be restricted to three years only prior to filing of the present O.A. i.e. 19.12.2016.

No order as to costs.”

5. A bare perusal of the above would show that only direction has been given to the petitioners- UOI to decide the claim of respondent No. 1 for disability pension from the date of his discharge i.e. 31.12.2001 for two years in terms of the decision of the Hon'ble Delhi High Court in **Mahavir Singh Narwal versus Union of India and others** and further direction has been given to hold re-assessment Medical Board so as to re-determine that whether the disability suffered by respondent No. 1 which has been assessed only for two years is correct or not and thereafter, grant the benefit in case he is found entitled for the same. No perversity has been found in the order dated 18.02.2019 (Annexure P-4) passed by the Tribunal so as to set aside the same especially after a period of more than six years of passing of the said order by the Tribunal.



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6. Hence, no ground is made out to interfere in the order dated 18.02.2019 (Annexure P-4) passed by the Tribunal.
7. The writ petition is dismissed accordingly.
- 8.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

13.11.2025

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Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*