



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

Date of Decision: 02.09.2025

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CWP-20204-2025

UNION OF INDIA AND OTHERS

Petitioners

V/S

JC 490061K EX NAIB SUB RAJ KUMAR AND ANOTHER

Respondents

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

**Present:- Mr. Narender Kumar Vashist, Senior Panel Counsel,
for the petitioners.**

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the order dated 01.12.2023 (Annexure P-1) passed by the passed by respondent No. 2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which, the benefit of War Injury Pension @ 50% has been granted in favour of respondent No.1.

2. Learned counsel for the petitioners submits that though respondent No.1 was posted in Counter Insurgency Area of Jammu and Kashmir, which is considered as an operational area zone, but the injury which has been suffered by him is not related to any normal disease suffered during an operation conducted, rather the same was related to the eyes i.e. Interstitial Keratitis, which cannot be said as an injury suffered during the an operation.



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

4. It is being conceded by the learned counsel for the petitioners that any injury suffered by an army personnel while he/she is posted in the operational area, is to be treated as war injury. The question which surfaces is whether any disease also suffered during the operation which leads to the invalidation of army personnel is to be treated as an injury suffered or not.

5. It should be noted that respondent No.1 was posted in Counter Insurgency Areas of Jammu and Kashmir, which is the ground for grant of War Injury Pension. Under category E(i) of the letter dated 31.01.2001, the operations specially notified by the Government from time to time are to be treated as an operational area. It is a conceded position that respondent No.1 was posted under 'Operation Rakshak' in Jammu and Kashmir. Once, the eye disability had been suffered during performance of the duties in the said operational area, the benefit of War Injury Pension cannot be declined especially when the injury/disease has been suffered while being posted and active duty in the operational area. Once, the disease/injury suffered by an officer invalidates him/her out of service, the differentiation being created by the petitioner between a disease suffered or the injury incurred to deny the benefit of war injury pension cannot be allowed. Hence, once it has been conceded by the petitioners that the disease due to which respondent No.1 has been invalidated out of service is attributable to the military service as the same disease was suffered while being posted in the operational area, the



benefit of War Injury Pension has rightly been granted to respondent No.1 by the Tribunal. The order passed by the Tribunal has not been proved to be perverse either on facts or law.

- 6. No other argument has been raised.
- 7. No ground is made out to interfere in the order passed by the Tribunal and the present writ petition is dismissed accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 02, 2025
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Whether speaking/reasoned	Yes
Whether reportable	No