



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

CWP-19491-2025

Date of Decision: 02.09.2025

UNION OF INDIA AND OTHERS

...Petitioners

Versus

No.4444038 EX SEP DAYAL SINGH AND ANR

...Respondents

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

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

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the impugned order dated 09.08.2024 (Annexure P-1) passed by respondent No. 2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which, respondent No.1 has been allowed the benefit of disability pension after rounding off the same @ 50% for the intervening period, i.e. 01.01.1996 to 31.12.2015, whereas the benefit of arrears qua disability entitlement can only be granted for a period of three years as per *Shiv Dass vs. Union of India and others, (2007) 9 SCC 274*.

2. Learned counsels for the petitioners argue that once the disability of "Low Backache" was assessed @ 20%, the same should not have been rounded off to 50% while granting the benefit of disability



pension to respondent No.1. Further, learned counsel for the petitioners places reliance on the judgment of Hon'ble Supreme Court of India in ***Shiv Dass vs. Union of India and others, (2007) 9 SCC 274***, wherein the Hon'ble Supreme Court has explicitly settled that where a claim is entertained after inordinate delay, Courts are to restrict the benefit of arrears to 03 years preceding the filing of the Original Application hence, the grant of disability pension by rounding off @ 50% along with arrears for whole of the intervening period, is incorrect.

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

4. Two grievances of the petitioners which have been addressed before this Court are; firstly, that benefit of rounding off disability @ 50% as against 20% has been granted to respondent No.1 incorrectly, and second, that though such benefits has been granted, the benefit of arrears should have been restricted to three years.

5. It is a conceded position that the benefit of rounding off disability has been permitted by respondent No.1 themselves, and as per the decision by the Hon'ble Supreme Court of India in ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761***, in the present case the benefit of rounding off has been found to be permissible as per the settled principle of law.

5. Once, the benefit of rounding off the disability from 20% to 50% has been granted as per the judgment of the Hon'ble Supreme Court of India, the learned counsel for the petitioners has not been able to show how grant of the benefit as the judgment of **Ram Avtar's** case (supra) granting



the benefit of rounding off the disability of 20% to 50% in favour of respondent No.1 is perverse to the Rules or the settled principle of law.

6. The further grievance of the petitioners is that the benefit of rounding off should have only been given for a period of three years prior to the filing of the Original Application.

7. As per the settled principle of law settled by the Hon'ble Supreme Court of India in Civil Appeal No.3086 of 2012 titled "**Balbir Singh vs. Union of India and others**", decided on 08.04.2016, wherein also the question with regard to limiting the benefit of arrears admissible to a period of three years was decided, and consequently the relief was granted as entire arrears admissible were granted to the claimant, the Hon'ble Supreme Court of India held as under:-

"XXX...The Tribunal was therefore justified in restoring the service element of the pension in favour of the appellant. The question however is whether the arrears could have been restricted to three years only. The Tribunal in our view need not have done so. That is because the appellant had a right to receive service element of the pension in light of Regulation 186 (supra), which right was valuable and ought to have been protected.

We accordingly allow this appeal and modify the order passed by the Tribunal with the direction that the appellant shall be paid service element of the pension with effect from the date the said payment was stopped by the respondents. We however grant to the respondents three months time to calculate and release the arrears in favour of the appellant. In case the needful is not done within the time stipulated, the arrears payable to the appellant shall start earning interest at the rate of 9% from the date the period of three months expires till actual payment of the amount."

8. It may be noticed that once the principle of law qua the issue in hand has been settled as detailed hereinbefore, the respondents were under



an obligation to grant the relief of arrears without limiting the same to all the concerned, who are covered by the said decision. Rather than granting the said relief, the petitioners forced everyone to approach this Court to claim for the same relief and then raised the argument that the benefit of arrears should be restricted to a period of three years. This is not permissible especially when, the Union is at a fault in not granting the benefit of arrears admissible to employees concerned as per the Rules governing the service as well as the settled principle of law.

9. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

10. Accordingly, the writ petition is dismissed.

11. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

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