

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

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CWP-19655-2025

DATE OF DECISION: 16.07.2025

Union of India and others

... Petitioners

Versus

Shingara Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Ramesh Chand Sharma, Advocate for the petitioners.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners have challenged the order dated 30.09.2024 (Annexure P-1) passed by the Armed Forces Tribunal in OA No.1270 of 2022 filed by the respondent No.1 which has been allowed and he has been held entitled to invalid pension for his service rendered from 08.05.1979 to 18.06.1987 however, restricted the arrears to three years prior to the date of filing of OA in the year 2022.

2. Learned counsel for the petitioners submits that the invalid pension or reservist pension cannot be granted to the person, who had retired long back. However, we find that in the case of *Union of India and Another Vs. Surrender Singh Parmar ; (2015) 3 SCC 404*, the Hon'ble Supreme Court has held as under:-

"9. In view of the aforesaid provision, the respondent is also entitled to claim for condonation of shortfall in qualifying service for grant of pension beyond six months and upto 12 months. If the aforesaid power has not been exercised by the competent authority in proper case then it was within the jurisdiction of the High Court or Tribunal to pass appropriate order directing the authority to condone the shortfall and to grant pension to the eligible person, which has been done in the present case and we find no ground to interfere with the substantive finding of the Tribunal. However as we find that the respondent was allowed to retire from service on 24th June, 1985 when the instruction

dated 14th August, 2001 was not in existence, we hold that the respondent is entitled for such benefit from such date on which the said instruction came into effect. The Tribunal failed to notice the aforesaid fact but rightly declared that the respondent's shortfall in service stands condoned. In the facts of the case, we are of the view that it should have been made clear that the respondent shall be entitled to benefit w.e.f. 14th August, 2001 and not prior to the said date. The order passed by the Tribunal stands modified to the extent above. The appeal stands disposed of with aforesaid observations."

3. In view of the above and considering that the Armed Forces Tribunal has followed the judgment of the Supreme Court, no interference in the present writ petition is warranted. Accordingly, the writ petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

16.07.2025

sapna	Whether speaking/reasoned	:	Yes / No
	Whether reportable	:	Yes / No