

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

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CWP-19626-2025

DATE OF DECISION: 16.07.2025

Union of India and others

... Petitioners

Versus

No.13899812-P Ex. NK/TLR, Gian Chand and another

... Respondents

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

Present: Ms. Neha Jain, Advocate for the petitioners.

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**ANUPINDER SINGH GREWAL, J. (ORAL)**

The petitioners have challenged the order dated 15.12.2023 (Annexure P-1) passed by the Armed Forces Tribunal whereby the O.A. filed by respondent No.1 has been allowed while granting him benefit of rounding off, of his disability element for disability pension at 50% as against 40% w.e.f. 01.10.2012 to 31.12.2015.

2. Learned counsel for the petitioners submits that the disability element of respondent No.1 has been assessed to be at 40% from 01.10.2012 to 31.12.2015 and therefore, the benefit of rounding off 50% as against 40% is impermissible.

3. Heard.

4. The respondent No.1 is stated to have suffered disability during his service. He had sought disability pension and rounding off the disability element to the extent of 50% which was granted by the Tribunal in terms of judgment of the Supreme Court in the case of **Union of India and others Vs. Ram Avtar**, 2014 SCC Online SC 1761. The relevant extract of the judgment is reproduced hereunder:-

“Xxxx



4. By the present set of appeals the appellant(s) raise the question, whether or not, an individual, who has retired on attaining the age of superannuation or on completion of his tenure of engagement, if found to be suffering from some disability which is attributable to or aggravated by the military service, is entitled to be granted the benefit of rounding-off of disability pension. The appellant(s) herein contended that, on the basis of Circular No. 1(2)/97/D(Pen-C) issued by the Ministry of Defence, Government of India, dated 31.01.2001, the aforesaid benefit is made available only to an Armed Forces Personnel who is invalidated out of service, and not to any other category of Armed Forces Personnel mentioned hereinabove.

5. We have heard learned counsel for the parties to the lis.

6. We do not see any error in the impugned judgment(s) and order(s) and therefore all the appeals which pertain to the concept of rounding-off of the disability pension are dismissed, with no order as to costs.

Xxxxx”

5. The Supreme Court by the judgment passed in the case of ***Bijender Singh Vs. Union of India and others, 2025 SCC Online SC 895*** has affirmed the judgment passed in case of ***Union of India and others Vs. Ram Avtar (supra)***, wherein the Supreme Court had approved the rounding off clause relating to disability element to 50% where disability is less than 50%, 75% where disability is from 50% to 75% and 100% where disability is more than 75%.

6. In view of the above, we do not find any illegality in the impugned order whereby the benefit of rounding off, of the disability element of disability pension has been granted.

7. The petition stands dismissed.

(ANUPINDER SINGH GREWAL)  
JUDGE

(DEEPAK MANCHANDA)  
JUDGE

16.07.2025

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