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

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**CWP-8510-2018 (O&M)
Date of Decision: 22.01.2025.**

BALBIR SINGH

... Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

PRESENT: Mr. Rajesh Sehgal, Advocate, and
Ms. Jasleen Kaur, Advocate,
for the petitioner.

Ms. Anita Balyan, Senior Panel Counsel,
for the respondents/Union of India.

VINOD S. BHARDWAJ, J (ORAL)

Prayer in the present writ petition is for issuance of directions to the respondents to release him the benefits of disability pension w.e.f. 11.02.2001.

2 During the course of the arguments, learned counsel for the petitioner submits that he would not press his case for grant of disability pension as he does not have sufficient length of service to his credit to claim the same and that he confines his prayer only for grant of Invalid pension. He contends that as per Rule 38 of the Civil Service Pension Rules, 1972, a

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Government employee, who stood retired from service on account of any bodily or mental infirmity, which permanently incapacitates him for the service is entitled to an invalid pension. He refers to the averments contained in para no.9 and 10 of the writ petition to contend that he had joined back on duty after serious ailments and that the respondent authorities had not denied or disputed the medical condition of the petitioner in their reply but yet the benefit has been denied solely on the ground that instead of he being made to retire from service on account of medical incapacitation, the petitioner had tendered his resignation

3 Learned counsel appearing on behalf of the respondents, however, contends that the petitioner had not submitted any application at relevant point of time for grant of invalid pension. As a matter of fact, at the time when he submitted resignation he was in “**Shape I**” and hence, there was no mental or physical incapacity to perform the duties. She, however, is not in a position to refute that in the written statement in reply to para no.9 and 10, there is no specific denial or dispute regarding the averments contained therein. Under the given circumstances, the pleadings to that effect remain uncontroverted.

4 Learned counsel for the petitioner refers to **order dated 13.02.2024 passed by this Court in CWP-23883-2023 titled as ‘Bhupinder Singh Vs. Union of India and others’** wherein the High court directed the respondents to consider the claim of the petitioner therein for grant of invalid

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pension on the basis of the material which the petitioner may put before the competent authority.

5 Learned counsel for the respondents contends that since there was no pleading to claim the aforesaid relief, hence, she does not have instructions with respect to the prayer made by the counsel for the petitioner. She, however, does not dispute the judgment in the matter of **Bhupinder Singh (Supra)** rendered by this Court to take a reasoned decision on material evaluation.

6 Taking into consideration the facts as noticed above and also the order passed in the matter of **Bhupinder Singh (supra)**, I deem it appropriate to dispose the present writ petition in view of the above and direct the respondents to consider the claim of the petitioner and to pass an appropriate order with respect to his entitlement to invalid pension, if any, on the strength of the evidence that may be so adduced by him in support thereof within a period of six months of the receipt of a certified copy of this order.

7 Disposed of accordingly.

January 22, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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