



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19948-2025 (O&M)

Date of decision: 29.07.2025

UNION OF INDIA AND OTHERS

....Petitioners

Versus

HAVILDAR PRATAP SINGH DHANKHAR AND ANOTHER

....Respondents

CORAM: **HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA**
 HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Neha Jain, Senior Panel Counsel,
 for the petitioners-UI.

ASHWANI KUMAR MISHRA, J. (Oral)

1. Petitioner-Union of India has assailed the order passed by the Armed Forces Tribunal, Regional Bench, Chandigarh (for short, 'AFT'), dated 12.09.2024, alleging it to be contrary to the law laid down by the Hon'ble Supreme Court.
2. The AFT has allowed the benefit of rounding off disability pension to respondent No.1, while relying upon the judgments of Hon'ble Supreme Court in **Civil Appeal No.5591 of 2006 titled as KJS Buttar Vs. Union of India and Another** decided on 31.03.2011, and **Civil Appeal No. 418 of 2012 titled as Union of India Vs. Ram Avtar** decided on 10.12.2014.
3. It is not disputed that respondent No.1, was already in receipt of the disability pension for life, considering his disability to be 30%. The AFT has relied upon the principal of rounding off to grant the benefit of disability pension to the extent of 50%. The limited ground, on which the judgment of the AFT has been assailed, is that the monetary benefits in terms of such determination, at best, ought to have been restricted to three years only. For

such purposes, the petitioners have relied upon the law laid down by the Hon'ble Supreme Court in **Union of India Vs. Tarsem Singh (Civil Appeal No.5151-5152 of 2008); Shiv Dass Vs. Union of India and others (2007) 9 SCC 628**; and **Union of India and others vs. Girish Kumar and others (Civil Appeals No.21811 of 2018)**. Therefore, it is urged that arrears ought to have been restricted to the extent of three years only, even if the claim of respondent No.1 was to be allowed.

4. The question, as to whether the benefit of arrears could be confined to three years only, where disability pension was being paid without rounding it off, came to be first considered by a Three Judge Bench of the Hon'ble Supreme Court in **'Davinder Singh vs. Union of India and others'**, (Civil Appeal No.9946 of 2016, decided on 20.09.2016), wherein it was held:-

“We find merit in that submission. a perusal of the order passed in Jaisingh's case, it appears that while most of the cases disposed off in the said batch were transferred cases where writ petitions had been filed earlier than 2010, there were half a dozen fresh cases that were filed in the year 2010 and later. The Tribunal had notwithstanding the delay in the filing of the O.As granted redress petitioners in the said batch of cases w.e.f. 01.01.1996 That being so and the order with interest @ 8% p.a.. passed by the Tribunal in Jaisingh's case and batch of cases having been affirmed by this Court, we see no distinction between the cases dealt with by the Tribunal in that batch and the appellant's case to warrant a differential treatment to him in the matter of grant of arrears. We accordingly allow this appeal and modify the order passed by the Tribunal to the extent that the appellant shall also on the analogy of the order passed by the Tribunal in Jai Singh's case supra be entitled to arrears payable

to him by reason of rounding off of disability pension w.e.f. 01.01.1996 with interest @ 8% p.a. subject to adjustment of any amount already received by him for the said period. We are told by learned counsel for the respondent that the appellant has already received the benefit of arrears w.e.f. 01.01.1996 to 01.07.2009. If that be so, arrears will be confined only to the period that has not already been paid for. No costs.”

5. The aforesaid proposition of law has been reiterated by Hon’ble Supreme Court in **‘Madan Prasad Sinha alias Sanatan Baba vs. Union of India and others’ 2019 (15) SCC 232**, and observed:-

“9. In this background, we are of the view that the denial of disability pension to the appellant for the period between 24-3-1995 and 30-1-2014 was misconceived. The disability element has already been rounded off in pursuance of the previous order passed by the Armed Forces Tribunal.

10. We accordingly, allow the appeal and direct that the appellant shall be granted arrears on account of disability pension in accordance with the applicable rates prevalent at the relevant time between 24-3-1995 and 30-1-2014. The computation shall be carried out and arrears shall be paid over to the appellant within a period of three months from the date of receipt of this order.”

6 The Hon’ble Supreme Court in **‘Bijender Singh vs. Union of India and others’ 2025 SSC OnLine SC 895**, again followed the proposition, as referred to above. The relevant paragraph, in this regard, is extracted hereinbelow:-

“47. Thus having regard to the discussions made above, we are of the considered view that the impugned orders of the Tribunal are wholly unsustainable in law. That being the position, impugned orders dated 22.01.2018 and 26.02.2016 are hereby set

aside. Consequently, respondents are directed to grant the disability element of disability pension to the appellant at the rate of 50% with effect from 01.01.1996 onwards for life. The arrears shall carry interest at the rate of 6% per annum till payment. The above directions shall be carried out by the respondents within three months from today.”

7. Merely, because SLPs have been entertained and interim protection has been granted in a few cases, would not mean that the binding proposition of law will not be followed. Therefore, it is unhesitatingly held that the impugned order is in consonance with the law laid down by Hon’ble Supreme Court in the matters, referred to above.

8. Consequently, the writ petition is **dismissed**.

[ASHWANI KUMAR MISHRA]
JUDGE

[KULDEEP TIWARI]
JUDGE

July 29, 2025
Ess Kay

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