



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

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CWP-20500-2025

Date of Decision: 04.08.2025

Union of India and others

...Petitioners

Versus

JC-237204N Ex Risaldar Maha Singh and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MS. JUSTICE AARADHNA SAWHNEY**

Present: Mr. Narender Kumar Vashist, Advocate
for the petitioners.

AARADHNA SAWHNEY, J.

1. Challenge in this petition is to order dated 07.02.2019 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal (for short 'the AFT') whereby the AFT had allowed the application of respondent No.1, claiming the 'War Injury Pension' based on the provisions contained under letter dated 31.01.2001, issued by the Government of India, Ministry of Defence.

2. Relevant facts as emerging from the documents on record be noticed hereinbelow:

Respondent No.1 was enrolled in the Indian Army on 01.08.1975. He was released from service on 31.07.2003, in low medical category. At the time of discharge, respondent No.1 was examined by the Release Medical Board (for short – RMB), which assessed the disability as 20% for life, due to Fracture Clavicle (LT) and was declared attributable to 'Military Service' rendered by him, while being a member of Quick Reaction Team, the vehicle in which he was travelling



met with an accident not during any military war operation or any war like situation. On adjudication of claim of respondent No.1, for 'War Injury Pension', petitioner Department upheld the recommendation of RMB. Decision was communicated to respondent No.1 by rejecting his representation vide letter dated 30.10.2017. Aggrieved of the same, an OA bearing No.3185 of 2017 was filed by respondent No.1, which as noted above was decided in his favour, in terms of impugned order dated 07.02.019.

It needs to be mention here that the aforesaid OA was decided in terms of OA No.3658 of 2013: Brig. (Retd.) Virpal Singh vs. Union of India and others. Petitioner department was directed to process the claim of respondent No.1, within 3 months from the date of order.

3. Aggrieved of the same, the present writ petition has been filed.
4. Learned counsel for the petitioners submits that respondent No.1 is not entitled to grant of 'War Injury Pension' under the provisions of para 11.4 of Government of India, Ministry of Defence letter dated 31.01.2001 (Category E). As per Pension Regulation, the War Injury Pension can be granted only in case of war injuries sustained under circumstances mentioned in Category E. Specific mention was made to the opinion of RMB, which held that the disability (20%) suffered by respondent No.1 is attributable to Military service, suffered by him while being a member of Quick Reaction Team, the vehicle in which he was travelling met with an accident. It was not any Military War Operation or any war like situation. Respondent No.1, as per learned counsel, was not invalidated from service and had been discharged. Thus, when appreciated in the light of the facts of the case, learned AFT (respondent No.2) fell in



error, by holding that the case of respondent No.1 is covered with OA No.3658 of 2013. Facts of the said case being different, than the present one, the impugned order for the said reason alone deserves to be set aside.

5. Submissions advanced hereinabove have been appreciated in the light of Army instructions/circular letter dated 31.01.2001, the relevant portion of which reads as under:-

“Sub.: Implementation of the Government Decisions on the Recommendations of the fifty Central Pay Commission regarding disability pension/war injury pension/special family pension/liberalized family pension/dependent pension/liberalized dependent family pension for the armed forces officers and personnel below officer rank retiring, invaliding or dying in harness on or after 01.01.1996.

Part II - PENSIONARY BENEFITS ON DEATH/DISABILITY IN ATTRIBUTABLE/AGGRAVATED CASES.

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CATEGORY B

Death or disability due to causes which are accepted as attributable to or aggravated by military service as determined by the competent medical authorities. Diseases contracted because of continued exposure to a hostile work environment, subject to extreme weather conditions or occupational hazards resulting in death or disability would be examples.

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CATEGORY D

Death or disability due to acts of violence/attack by terrorists, anti social elements etc. whether on duty other than



operational duty or even when not on duty. Bomb blasts in public places or transport, indiscriminate shooting incidents in public etc. would be covered under this category, besides death/disability occurring while employed in the aid of civil power in dealing with natural calamities.

CATEGORY E

Death or disability arising as a result of:-

(a) enemy action in international war.

XXX

(i) Operations specially notified by the Govt. from time to time.”

6. It is thus clear that in terms of category E of the above said letter, War Pension would be available if death or disability arises as a result of factors mentioned therein. One of these factors being that death or disability has arisen as a result of “Operations specifically notified by the Government from time to time”.

7. Documents on record clearly reveal that in November 2001, respondent No.1 was serving with 37 Rashtriya Rifle Battalion, his unit was deployed in Counter Insurgency Areas of Jammu and Kashmir. It is not denied that he was a member of Quick Reaction Team and while he was travelling in a vehicle the same met with an accident, in which he suffered a fracture of Left Clavicle. His disability was assessed to the extent of 20%, for life. To construe that since respondent No.1 was not deputed in War Operation and is thus not entitled to War Injury Pension, would tantamount to narrowly interpreting an otherwise widely phrased clause/condition. If the analogy of the petitioner is accepted, then army personnel like petitioner,



who are deputed in Operation notified area and suffer a disability while being on duty would never receive a War Injury Pension, even though, they play a crucial role in the success of Operation.

8. Insofar as the submissions raised by the learned counsel for the petitioner, as regards non-exhaustion of the alternate remedy by respondent No.1, is concerned, who straightaway approached the Armed Forces Tribunal and did not file the appeal before the Administrative Authorities, suffice, it would be to point out that no prejudice at all has been caused to the petitioner – Union of India, on account of non-filing of departmental appeal. Moreover, at this belated stage of the proceedings, petition on this score alone cannot be entertained.

9. We do not find any reason to differ with the view already taken by AFT.

10. Finding no illegality in the impugned order, we hold that the AFT has correctly interpreted the relevant provision and proceeded to grant War Injury Pension to petitioner, instead of Disability Pension.

11. No interference is warranted.

12. Accordingly, the petition stands dismissed.

[AARADHNA SAWHNEY]
JUDGE

[ASHWANI KUMAR MISHRA]
JUDGE

04.08.2025

Hemant

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No