

CWP-20353-2025

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

(155)

CWP-20353-2025

Date of Decision : 28.07.2025

Union of India and others

...Petitioners

Versus

JC 154959 Ex. Sub Bawa Singh and another

...Respondents

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

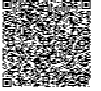
Present: Mr. Rahul Verma, Central Govt. Counsel for
Mr. Rakesh Verma, Sr. Panel Counsel
for the petitioners-Union of India.

ASHWANI KUMAR MISHRA, J. (ORAL)

1. The instant writ petition, cast under Article 226 of the Constitution of India, is directed against the order dated 26.11.2018 (Annexure P-1), passed by the Armed Forces Tribunal, Regional Bench, Chandigarh (respondent No.2), being contrary to the law laid down by Hon'ble Supreme Court, in catena of cases, wherein, primacy of medical board opinion has been upheld in disability pension cases.

2. The facts, in brief, as noticed by the learned Tribunal, are extracted hereinafter:-

“The applicant entered military service in a fit medical condition on 11.12.1982. During the course of his service, he incurred the disability of Ischemic Stroke (Rt) MCA Territory (Superior Branch) and was finally discharged from service on 28.02.2012. At the time of invalided out, his disability was assessed at 50% by Medical Board for life.”



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3. For the purpose of grant of disability pension to the extent of 75%, learned Tribunal has relied upon the judgment of Hon'ble Supreme Court in '*Dharamvir Singh vs. Union of India*' (2013) 7 SCC 316. Even otherwise, it is not disputed that respondent No.1, was invalided out, and he suffered the disability during the service. The benefit of rounding off disability pension has been allowed to the respondent No.1, in terms of the judgment of Hon'ble Supreme Court, passed in *Civil Appeal No.418 of 2012*, titled '*Union of India vs. Ram Avtar*' decided on 10.12.2014.

4. Though various submissions have been made by the learned senior panel counsel for Union of India, however, we do not find any illegality or perversity in the view taken by the learned Tribunal, in the order (supra), either on facts, or in law.

5. Consequently, the instant writ petition is **dismissed**.

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

July 28, 2025
Manpreet

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