

2025:PHHC:094371-DB

CWP-20292-2025 (O&M)
Date of Decision: 28.07.2025

Union of India and others

...Petitioners

Vs.

SS-45825X Maj Rajdeep Dinkar Pandere and another ...Respondents

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

Present: Mr. Premjit Singh Hundal, Sr. Panel Counsel for the petitioners.

Mr. Rajesh Sehgal, Advocate for respondent No.1.

ASHWANI KUMAR MISHRA, J. (Oral)

1. The writ petition has been filed by the Union of India assailing the order dated 10.10.2024, passed by the Armed Forces Tribunal, Regional Bench, Chandigarh, in OA No.1179 of 2023, whereby the respondent No.1 was held entitled to grant of disability pension consisting of service element and disability element @ 40% by rounding it off @ 50% w.e.f. 01.07.2022 for life.

2. The Tribunal has noticed that the respondent No.1 has undergone twenty four surgeries as also suffered kidney disease during the period of service. It is undisputed that the respondent No.1 had undergone commando training and during such training he suffered the injury. The 'Release Medical Board found the respondent No.1 to be suffering from 'cystitic cystic (OPTD) with B/L Hydrouretero Nephrosis (N30.8). The percentage of disablement was treated as 15% by relying upon Chapter 7 of

the Guide to Medical Officers 2008 Appendix. The Tribunal has returned a specific finding that the relevant appendix relied upon by the Union of India specifies the disability to be 40% where the serum creatinine is found to be 1.13 MG in percentage. The Tribunal by relying upon the judgment of the Hon'ble Supreme Court in the case of Union of India and others vs. Ram Avtar, Civil Appeal No.418 of 2012, decided on 10.12.2014, has rounded off the disability to 50%.

3. The facts as noticed above are not in dispute.
4. The entitlement of respondent No.1 to receive disability pension in terms of above observations, otherwise, cannot be doubted.
5. In that view of the matter, we do not find any occasion to interfere with the judgment passed by the Tribunal dated 07.10.2024. Consequently, the writ fails and is dismissed accordingly.
6. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

28.07.2025

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| 1. Whether speaking/reasoned? | : | Yes/No |
| 2. Whether reportable? | : | Yes/No |