

2025:PHHC:094357-DB



CWP-20291-2025 (O&M)

Date of Decision: 28.07.2025

Union of India and others

...Petitioners

Vs.

13849504Y Ex. NK (TS) Daljit Singh 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 assailing the order dated 07.10.2024, passed by the Armed Forces Tribunal, Regional Bench, Chandigarh, in OA No.897 of 2022, whereby the respondent No.1 was held entitled to grant of disability pension @ 50% as against 20%.

2. The Tribunal has relied upon the judgment of the Hon'ble Supreme Court in Civil Appeal No.164 of 1993 **Ex. Sapper Mohinder Singh vs. Union of India and others**, decided on 14.01.1993, to hold that the opinion of the Medical Board cannot be superseded by the administrative authorities.

3. In the facts of the present case, the respondent No.1 was discharged from service with low medical category CEE (Permanent) on account of disability 'compound fracture proximal phalanx (LT) 1st TOE N826 E887. Once the disability on account of injury has been found to be

permanent in nature, the grant of relief by the Tribunal by relying on 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, does not warrant any interference by this Court.

4. 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.

5. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

28.07.2025

rajesh

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