

**CWP-20736-2025****1**

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

(161+173+178)**Date of Decision : 28.07.2025****1. CWP-20736-2025**

Union of India and others

...Petitioners

Versus

The Armed Forces Tribunal, Chandigarh Bench and others

...Respondents

2. CWP-21008-2025

Union of India and others

...Petitioners

Versus

Surjeet Kumar and another

...Respondents

3. CWP-21137-2025

Union of India and others

...Petitioners

Versus

Army No.4067062F Ex. Sepoy Hukam Chand and another

...Respondents

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

Present: Dr. Anandeshwar Gautam, Sr. Panel Counsel
for the petitioners-Union of India in CWP-20736-2025.

Mr. Naveen Gupta, Sr. Panel Counsel
for the petitioners-Union of India in CWP-21008-2025.

Mr. Ramesh Chand Sharma, Sr. Panel Counsel
for the petitioners-Union of India in CWP-21137-2025.

**ASHWANI KUMAR MISHRA, J. (ORAL)**

1. All the above mentioned petitions are amenable to be decided together, as the common issue is involved, therefore, all the three petitions are taken up together for adjudication. For the sake of convenience, the facts are being culled-out from CWP-20736-2025.

2. The writ petition, cast under Article 226 of the Constitution of India, is preferred by the Union of India, assailing the order dated 03.05.2024 (Annexure P-1), passed by the Armed Forces Tribunal, Regional Bench, Chandigarh (respondent No.1), being contrary to the law laid down by Hon'ble Supreme Court, in catena of cases.

3. Learned Tribunal has allowed the benefit of rounding off disability pension to respondent No.2, while relying upon 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. It is not disputed that respondent No.2, was already in receipt of disability pension, considering his disability to be 30% for life. The learned Tribunal has relied upon the principal of rounding off to hold the benefit of disability pension to the extent of 50%. The limited ground, on which the judgment of the learned Tribunal has been assailed, is that the monetary benefits in terms of such determination, at best could have been restricted to three years, and not beyond that period. For such purposes, the petitioners have relied upon an interim order passed by the Hon'ble Supreme Court in, SLP (Civil) Diary No.21084 of 2025, titled '***Union of India vs. Azad Singh***' as well as Civil Appeals No.6820-6824 of 2020 titled '***Union of India vs. Girish Kumar***'.



5. It is urged that arrears ought to have been restricted to the extent of three years only, even if it was to be allowed.

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



7. 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, wherein, the Court 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."

8. The above said proposition has been noticed and reiterated in a recent judgment of Hon'ble Supreme Court in '**Bijender Singh vs. Union of India and others**' 2025 SSC OnLine SC 895. Relevant paragraph of the Court's observation is extracted hereinafter:-

"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."



9. The judgment of the learned Tribunal is in consonance with the law laid down by Hon’ble Supreme Court, in the aforesaid matter. 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.
10. Consequently, all the above captioned writ petitions are **dismissed.**

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

July 28, 2025
Manpreet

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