



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-22600-2025 (O&M)
Decided on :06.08.2025

UNION OF INDIA AND OTHERS

. . .Petitioners

Versus

GROUP CAPTAIN (TS) BIJOY KUMAR CHAURASIA (RETD) AND
ANOTHER

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

PRESENT: Mr. Bharat Bhushan Sharma, Advocate
Senior Panel Counsel for the petitioner-UOI.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 16.01.2025 (Annexure P-3) passed by respondent No. 2-Armed Forces Tribunal, Regional Bench, Chandigarh, by which, respondent No.1 has been allowed the benefit of disability pension by rounding off disability of 30 % to 50 % keeping in view the facts and circumstances of the present case.

2. Learned counsel for the petitioners places reliance upon the report of medical examination of the respondent No. 1 to hold that though the disabilities of (i) *Primary Hypertension* (ii) *Hypothyroidism* have been found in respondent No.1, but the same have been held to be 'neither attributable to Military Service nor aggravated by the Military service' and hence, the grant of benefit of disability pension to respondent No. 1 by placing reliance upon the judgment of Tribunal in **OA No. 861 of 2022 titled as Ex. MWO Bhupinder Singh versus Union of India and others,**



decided on 06.12.2024, is arbitrary and illegal.

3. Learned counsel for the petitioners further submits that once, the report of the Medical Board clearly states that the disability of respondent No. 1 is neither attributable to nor aggravated by the military service, the grant of benefit of disability pension to respondent No. 1 by the Tribunal vide impugned order dated 16.01.2025 (Annexure P-3), is incorrect.

4. We have heard learned counsel for the petitioners and have gone through the case file with his able assistance.

5. It is conceded fact that at the time when respondent No. 1 retired from service on attaining the age of superannuation, he had rendered 31 years of service with the petitioner-Union of India. It is also a conceded fact that at the time when respondent No. 1 joined the armed forces and was medically examined, and he was not found suffering from any disease on the basis of which, respondent No. 1 has been granted the benefit of disability pension.

6. Further, as per the settled principle of settled by Hon'ble Supreme Court of India in Union of India and others versus Ram Avtar, 2014 SCC ONLINE, SC 1761, any officer serving with the Military, who had undergone the medical examination at the time of selection and was found fit, subsequently upon suffering a disability is entitled to the benefit of rounding off of disability pension as the presumption would be that the disability suffered is attributable to the Military service. The relevant paragraph of the said judgment is as under:-

“4. By the present set of appeals the appellant(s) raise the question, whether or not, an individual, who has retired on attaining the age of superannuation or on completion of his tenure of engagement, if found to be suffering from some



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disability which is attributable to or aggravated by the military service, is entitled to be granted the benefit of rounding-off of disability pension. The appellant(s) herein would contend that, on the basis of Circular No. 1(2)/97/D(Pen-C) issued by the Ministry of Defence, Government of India, dated 31.01.2001, the aforesaid benefit is made available only to an Armed Forces Personnel who is invalidated out of service, and not to any other category of Armed Forces Personnel mentioned hereinabove.

5. *We have heard learned counsel for the parties to the lis.*

6. *We do not see any error in the impugned judgment(s) and order(s) and therefore all the appeals which pertain to the concept of rounding-off of the disability pension are dismissed, with no order as to costs.*

7. *The dismissal of these matters will be taken note of by the High Courts as well as by the Tribunals in granting appropriate relief to the pensioners before them, if any, who are getting or are entitled to the disability pension. ”*

7. Learned counsel for the petitioners has not been able to dispute the said proposition of law having been settled by the Hon'ble Supreme Court of India in **Ram Avtar's case (supra)**.

8. Keeping in view the facts and circumstances of the present case as well as the settled principle of law in **Ram Avtar's case (supra)** once, at the time of selection, respondent No. 1 was medically examined and was found fit in all respects and it was only during the service that respondent No. 1 was found suffering from the (i) *Primary Hypertension* (ii) *Hypothyroidism*. That being so, the said diseases have to be attributed to the military service and the report of medical board cannot take away the right

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of respondent No. 1 to claim the benefit of disability pension @50% by rounding it off.

9. Hence, in the absence of any perversity being pointed out in the impugned order dated 16.01.2025 (Annexure P-3) either on the basis of the facts or the settled principle of law, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

10. Accordingly, the writ petition is dismissed.

11. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

06.08.2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No