



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

CWP-22407-2025 (O&M)

Date of Decision: 4th August, 2025

UNION OF INDIA AND OTHERS

.....Petitioner(s)

V/s.

SATYENDRA TIWARI No.8035329A NAIK (MACP-1) AND ANOTHER

.....Respondent(s)

CORAM: **HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA**
HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present Mr. Sehej Sandhawalia, Senior Panel Counsel,
for the petitioners-UI.

ASHWANI KUMAR MISHRA, J. (Oral)

1. The instant petition is directed against order dated 17.01.2024, as passed by the Armed Forces Tribunal, Regional Bench Chandigarh, at Chandimandir (hereinafter referred to as “the Tribunal”) in OA-1022-2022, whereby, the Tribunal has allowed the relief of rounding-off the disability to 50% for the disability pension in terms of the judgment of the Hon’ble Supreme Court rendered in *Civil Appeal No. 418 of 2012* titled as **Union of India and Others** Vs. **Ram Avtar** ; SCC Online SC 1761.

2. The only ground on which the judgment of the Tribunal is assailed is that the disability, as suffered by respondent No.1 could not have been attributed to the military service.

3. This Court has confronted the learned counsel for the petitioners to the findings rendered by the Tribunal in the impugned judgment in paragraphs 8 to 10, which are reproduced as under:-

“8. It is proved beyond all reasonable doubt that at the time the applicant entered into military service, he was not suffering from any disease/disability.

9. Therefore, we are not satisfied with the opinion of the Medial Board that the disability incurred by the applicant is neither attributable to nor aggravated by military service, rendered by the Medical Board in its report for the reason that at the time of recruitment of the applicant, no such disease was

in existence nor could be detected by the Medical Board which had conducted the medical examination at that time.

10. Considering the law laid down by the Hon’ble Supreme Court and also the attending circumstances, the rejection of the claim of applicant for the grant of disability element of disability pension is neither legally nor factually sustainable. The applicant, therefore, is entitled to the grant of disability element of disability pension.”

4. Learned counsel for the petitioners has not been able to show any perversity or illegality in the finding of the Tribunal. The factum of disability is not in dispute. Even otherwise, the controversy raised in the matter stands adjudicated by our composite order dated 28.07.2025 passed in **Union of India and Others Vs. IC-41068W Maj. Gen. Anil Chaudhary (Retd.) and Another;** CWP-20287-2025 and connected cases. Once that be so, this Court finds no good ground to interfere with the impugned order passed by the Tribunal. Accordingly, the Writ Petition is **dismissed**.

5. All pending applications in this case are disposed of accordingly.

**[ASHWANI KUMAR MISHRA]
JUDGE**

**[AARADHNA SAWHNEY]
JUDGE**

4th August, 2025
Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>