

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

Date of Decision : 11-08-2025

.....Petitioner(s)

No.289261K Ex RFN (MACP NAIK) NARENDER KUMAR AND ANOTHERRespondent(s)

.....Respondent(s)

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

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the order passed by the Armed Forces Tribunal, Chandigarh (hereinafter referred as “AFT”) dated 08.04.2024, copy of which has been appended as Annexure P-1, wherein, the respondent No.1 has been held entitled for War Injury Pension for disability of “***RHEUMATOID ARTHRITIS (SEROPOSITIVE)***” assessed @ 40% by rounding it off to 50% instead of Disability Pension, which is perverse.

2. Learned counsel for the petitioners submits that though, the respondent No.1 was posted in Kargil (Jammu and Kashmir), which was declared as a War Zone but, keeping in view the injuries sustained by the respondent No.1 and the recommendation of the Release Medical Board held on 05.12.2012, the respondent No.1 was only granted the disability pension @ 70% for life by not treating the injuries as War Zone injury but were held to be aggravated by Military Service.

3. We have heard the learned counsel for the petitioners and have gone through the records of the present case with his able assistance.

4. It may be noticed that the respondent No.1 suffered a disability “***RHEUMATOID ARTHRITIS (SEROPOSITIVE)***” while he was serving in the field area of Jammu & Kashmir (operational area) and subsequently due to stress of strain of the Military Service he suffered PIVD L4/5, L5/SI and PIVD CS/CE (OPTD). Further the three disabilities were considered to be aggravated by Military Service and the respondent No.1 was granted disability pension compositely @ 70% by rounding it off to 75% for life.

5. Further the respondent No.1 only restricted his claim for the disability of “***RHEUMATOID ARTHRITIS (SEROPOSITIVE)***” @ 40% for life for the grant of war injury element as the disease developed to the respondent No.1 while he was deployed in the operational area of Jammu and Kashmir.

6. A bare perusal of the report of the Release Medical Report would show that it is the conceded fact that the injuries sustained by the respondent No.1, for which, the respondent No.1 was being weeded out from the service was suffered by him while he was posted in January, 2005 at Kargil (Jammu and Kashmir).

7. Learned counsel for the petitioners has not been able to dispute that the said Zone i.e. Kargil (Jammu and Kashmir) was declared as a notified area to be treated as a War Zone.

8. It is a conceded fact that the disability of “***RHEUMATOID ARTHRITIS (SEROPOSITIVE)***” which has been incurred by the respondent No.1, while being posted in Kargil, the Counter Insurgency

Operational Area which ultimately resulted in the discharge on 31.01.2013 of the respondent No.1 from the Armed Forces.

9. The facts which have been recorded by the AFT in the order dated 08.04.2024 have been conceded rather than being proved to be perverse.

10. Nothing has been placed on record to show as to how, the order dated 08.04.2024 (Annexure P-1) passed by the AFT, is treated to be perverse so as to file the present petition.

11. In the absence of any perversity brought on record, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

12. No other argument is raised.

13. Present petition stands dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

11-08-2025
Sapna Goyal

(VIKAS SURI)
JUDGE

Note: Whether speaking : YES
Whether reportable : NO