

**In the High Court of Punjab and Haryana at Chandigarh**

[126]

CWP-23685-2025

Date of Decision: 18.08.2025

UNION OF INDIA AND OTHERS

..... PETITIONERS

VERSUS

No.2714107Y EX. RECT. BRIJESH AND ANR.

.....RESPONDENTS

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

Present: Ms. Bhavana Datta, Sr. Panel Counsel for the petitioners/UOI.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the order dated 21.11.2023(Annexure P-1) passed by the Armed Forces Tribunal, Regional Bench at Chandimandir in O.A.No.1342 of 2019, on the ground that since the officer concerned, did not have 10 years of qualifying service in his favour before he was invalidated out of service, so as to grant him the benefit of invalid pension.

2. Learned counsel appearing for the petitioners-UOI submits that though the said condition of necessary 10 years in service for the purpose of grant of benefit of 'invalid pension' was withdrawn by the policy/instructions dated 16.07.2020, but the same was only with prospective effect not to be made applicable upon the cases prior to 4th January, 2019 and as, the claim of the respondent-employee is of the year 2017, the same could not have been allowed, so as to grant the respondent No.1 benefit of invalid pension.

3. We have heard the learned counsel for the petitioners and has gone through the record with her able assistance.

4. The grant of the invalid pension even if the officer concerned has rendered less than 10 years of the qualifying service is covered by the policy/instructions dated 16.07.2020. The only ground taken is that as per



the policy/instructions dated 16.07.2020, the personnel, who are invalidated out of service prior to 04.01.2019, are not to be granted the benefit of invalid pension.

5. It may be noticed that the policy/instructions dated 16.07.2020 was based upon the notification issued by the Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Pension and Pensioners' Welfare dated 12.02.2019. The said policy has been made applicable upon everyone, by setting aside para 4 of the policy insofar as it was made applicable upon the personnel who are invalidated out of service after 04.01.2019, by relying upon the judgment of Hon'ble Supreme Court in *SLP(C) No. 20339 of 2011* titled as **"Union of India and others Vs. P.A. Thomas"**, decided on 14.03.2019. The said policy had been made applicable upon everyone without putting up condition qua the year of invalidation and the said fact has gone unrebutted at the hands of the learned counsel for the petitioners.

6. Once, the claim of the respondent-employee is covered under the policy/instructions dated 16.07.2020 read with the settled principle of law on the said issue according to which, all the invalidated officers, having less than 10 years of service even though invalidated out of service prior to 04.01.2019 will also be entitled for benefit of invalid pension, it cannot be said that the order passed by the Tribunal granting the said relief to the respondent-employee, is perverse to the policy/instructions of the State or the settled principle of law. Hence no ground is made out for any interference by this Court.



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7. The present writ petition is, accordingly, dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

AUGUST 18, 2025
ANJAL

Whether speaking/reasoned	:	Yes
Whether reportable	:	No