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

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Date of Decision :21.08.2025

Union of India and others

...Petitioners

Versus

No.2985664L Ex NK Jaswant Singh & another

...Respondents

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

Present: Mr. Sushant Kareer, Senior Panel Counsel
for the petitioners-UOI.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 11.10.2019 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh, (for short, 'Tribunal') by which, the benefit of disability pension has been allowed in favour of respondent No.1 by rounding off the disability @ 50%, which was assessed at less than 20% (1%-5%).

2. Learned counsel for the petitioners submits that the respondent No.1 joined the service on 26.08.1985 and was invalidated out of service on 31.08.2002 in low medical category CEE (permanent) and his disability was assessed less than 20% and therefore, as the disability was not assessed upto 20% which is a must and condition precedent for the grant of disability pension, the Tribunal exceeded its jurisdiction while granting the said relief to respondent No.1.

3. Learned counsel appearing on behalf of respondent No.1



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submits that it is a conceded fact that the disability of *Traumatic Amputation Pulp of RT Index Finger*”, which was suffered by respondent No.1 while being in service, has already been held to be attributable to the military service. Learned counsel for respondent No.1 further submits that as per the settled principle of law settled in **Civil Appeal No.5605 of 2010 decided on 25.06.2014 titled Sukhvinder Singh vs. Union of India and others**, the disability, even if, assessed at less than 20%, leads to the circumstances where personnel concerned cannot discharge the duties assigned to him/her and has to be relieved from duty, such a disability is to be treated minimum of 20% so as to grant the benefit of disability pension to personnel concerned and said disability of 20% has rightly been rounded off to 50% keeping in view the judgment of the Hon’ble Supreme Court of India in ***Union of India and others vs. Ram Avtar*, 2014 SCC Online SC 1761.**

4. We have heard learned counsel for the parties and have gone through the record with their able assistance.

5. On being asked whether, with the disability from which respondent No.1 suffered, the personnel concerned could have continued in service performing the duties without any hinderance, learned counsel for the petitioners has not been able to rebut that with the said disability, the officer could not have continued in service. Once, the officer concerned could not continue in service due to the aforementioned disability, the only option was that either he should be invalidated out of service or the officer should get relieved from service. Once, the reason for being relieved from service is the disability incurred during the service period, the claim of the petitioner that the benefit of disability pension could not be granted to



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respondent No.1, cannot be accepted. The injury is the basis for being relieved from service, which injury is concededly attributable to the military service.

6. As per the judgment in *Sukhvinder Singh's case (supra)*, the injury, which led to being invalidated from service is assessed at less than 20%, for the purpose of the grant of disability pension, the same has to be treated as a minimum of 20%. The relevant paragraph of the judgment is as under:

“Thirdly, there appear to be no provisions authorising the discharge of invaliding out of service where the disability is below 20 percent and seems to us to be logically so.

Fourthly, whenever a member of the Armed Forces is invalided out of service, it perforce has to be assumed that his disability was found to be above 20%.

Fifthly, as per the extant Rules/Regulations, a disability leading to invaliding out of service would attract the grant of fifty percent disability pension.”

7. Further, as per the settled principle of law settled by the Hon'ble Supreme Court of India in *Ram Avtar's case (supra)*, any disability of 20%, is to be rounded off to 50%, which is a settled principle of law, has not been rebutted by the learned counsel for the petitioners.

8. It may be noticed that the impugned order passed in the year 2019 has been challenged by the petitioners in the year 2025, i.e. after a period of 06 years. The petitioners have not implemented the impugned order in favour of the respondent No.1 for sufficiently long time hence, the petitioners are directed to implement the said order within a period of four weeks from the date of the receipt of copy of this order.

9. Keeping in view the totality of the circumstances, the impugned order dated 11.10.2019 (Annexure P-1) passed by the Tribunal, keeping in view the facts and circumstances of the present case coupled with the settled

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principle of law, has not been shown to be perverse in any manner. Hence, no ground is made out for any interference by this Court in the facts and circumstances of the present case and the present petition is accordingly dismissed.

10. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

August 21, 2025
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No