



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

CWP-25160-2025

Date of Decision : 28-08-2025

UNION OF INDIA

.....Petitioner

VERSUS

MANOJ KUMAR AND ANOTHER

.....Respondent(s)

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

Present: Mr. Santokhwinder S. Grewal, Senior Panel Counsel
 for the petitioner-Union of India.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 11.04.2023 (Annexure P-8) passed by the respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred as the “Tribunal”), by which, respondent No.1 has been allowed the benefit of invalid pension for life along with arrears keeping in view the facts and circumstances of the present case.

2. Learned counsel appearing on behalf of the petitioner-Union of India argues that the respondent was reluctant to join the Army due to the fact that his father had died on duty as DSC Soldier but he was pressurised to do so by his family. While the respondent No.1 was on leave w.e.f. 15.06.2014 to 29.06.2014, his brother met with an accident due to which, the respondent No.1 suffered mental disorder, which ultimately led to his

discharge hence, the same has rightly been held to be 'neither attributable to the Military Service nor aggravated by the Military service' hence, the grant of benefit of invalid pension to respondent No.1 by placing reliance upon the judgment passed by the Three Judge Bench of Hon'ble Supreme Court of India in *SLP(C)-20330/2011 titled as Union of India and ors. Vs. P.A. Thomas*, is incorrect.

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 military service, the grant of benefit of invalid pension to respondent No. 1 is incorrect, and the facts and circumstances in the present case has not been appreciated in correct aspect by the Tribunal while passing the impugned order dated 11.04.2023 (Annexure P-8).

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

5. It is a conceded fact that at the time when respondent No.1 joined the Armed Forces on 01.12.2013, he was medically examined and was in a fit medical condition. Once, the respondent No.1 was continuously working with the petitioner-Union of India and it was only during the performance of the duties, the disease with regard to the mental disorder surfaced, the same has rightly been treated having been attributable to the military service or aggravated by the military service especially when, it is a conceded position that at the time of enrolment, the respondent No.1 was not suffering from any such disease.

6. In the present case, nothing has come on record that the duties being performed by the respondent No.1 were not responsible for the disease, which led to the invalidation of respondent No.1 or such duty has not played a catalyst role to aggravate the same. Further, in the medical report, it has come on record that there is no significant medical, surgical or psychiatrist illness, which was present unless and until, the said disease was detected during the service career of the respondent No.1 hence, the argument that respondent No.1 did not had 10 years of service to his credit so as to claim the invalid pension, cannot be accepted.

7. Further, as per the settled principle of settled by Hon'ble Supreme Court of India in SLP(C) No.20330 of 2011 titled "***Union of India and ors. Vs. P.A Thomas***", any officer serving with the Military, who had undergone the medical examination at the time of selection and was found fit but subsequently, he/she has been discharged from service before completing the qualifying service, is entitled to the benefit of invalid pension irrespective of the length of service as the disease on the basis of which such officer is being discharged is attributable to the Military service.

8. Learned counsel for the petitioners has not been able to dispute the said proposition of law having been settled in ***P. A. Thomas's case (supra)***.

9. Keeping in view the facts and circumstances of the present case as well as the settled principle of law as settled in ***P. A. Thomas's case (supra)*** once, at the time of selection on 01.12.2013, respondent No. 1 was medically examined and was found fit in all respects and it was only at the time of discharge from service i.e. 30.09.2014 after rendering the service of 10 months, respondent No.1 was found suffering from '*Adjustment*

Disorder with Mixed Disturbance of emotions and conduct (F43.25)” and “Intentional self harm by sharp object (X78)”. That being so, the said disease has to be attributed to the military service and the report of medical board cannot take away the right of respondent No. 1 to claim the benefit of invalid pension in such circumstances.

10. No other arguments has been raised.

11. Hence, in the absence of any perversity being pointed out in the impugned order dated 11.04.2023 (Annexure P-8) 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.

12. Accordingly, the writ petition is dismissed.

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

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

28-08-2025
Sapna Goyal

Whether speaking/reasoned : Yes
Whether reportable : No