



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

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CWP-25599-2025

Date of Decision: 15.09.2025

Union of India and others**....Petitioners****Versus****Ex. Sep Dharambeer Singh****....Respondent**

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

Present: Mr. N.K.Verma, Senior Panel Counsel
for the petitioners.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 01.07.2019 (Annexure P-1) passed by Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal), by which, the respondent has been held entitled to disability pension by rounding off disability from 20% to 50% on the ground that the same is perverse.

2. Learned counsel for the petitioners places reliance upon the report of medical examination of the respondent to contend that though the disability of "*Primary Hypertension, Primary Hypothyroidism and CAD AAMI DVD PCI to LAD RCA*" has been found to be existing in the respondent, but out of the three disabilities, two disabilities have been held to be 'neither attributable to nor aggravated by the Military service' only the disability of *Hypothyroidism* has been treated to be attributable to military



service with 20% for life and hence, the grant of benefit of disability pension by rounding of the same @ 50% to the respondent w.e.f. 01.04.2013 by the Tribunal by placing reliance upon the judgment of the Hon'ble Supreme Court of India in ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761***, is incorrect.

3. The learned counsel for the petitioners further submits that in the Defence Security Corps (DSC) service, a minimum service of 15 years was required rather to earn service pension, whereas, the respondent had rendered only 10 years and 07 days of service with the DSC whereafter, he was not granted further extension of service.

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

5. It is conceded fact that at the time when the respondent discharged from service i.e. on 31.03.2013, he had rendered 10 years and 07 days of service with the DSC, petitioner-Union of India. Further, it is also a conceded fact that at the time when the respondent joined the armed forces i.e. on 25.03.2003 and was medically examined, and he was not found to be suffering from any disease on the basis of which, the respondent has been granted the benefit of disability pension by the Tribunal, vide order dated 01.07.2019 (Annexure P-1).

6. As with regard to the grievance of the petitioners qua the rounding off disability pension from 20% to 50%, the issue has been settled by the Hon'ble Supreme Court of India in ***Ram Avtar's case (supra)***, wherein it has been held that any officer serving with the Military, who had undergone the medical examination at the time of enrollment and was found fit, is



subsequently found to be suffering with a disability is entitled to the benefit of disability pension as the presumption would be in favour of such an employee that the disability suffered during the service is attributable to the Military service by rounding off the said percentage of disability, the relevant paragraph of the said judgment is as under:-

“4. By the present set of appeals the appellant(s) raise the question, whether or not, an individual, who has retired on attaining the age of superannuation or on completion of his tenure of engagement, if found to be suffering from some disability which is attributable to or aggravated by the military service, is entitled to be granted the benefit of rounding-off of disability pension. The appellant(s) herein would contend that, on the basis of Circular No. 1(2)/97/D(Pen-C) issued by the Ministry of Defence, Government of India, dated 31.01.2001, the aforesaid benefit is made available only to an Armed Forces Personnel who is invalidated out of service, and not to any other category of Armed Forces Personnel mentioned hereinabove.

5. We have heard learned counsel for the parties to the lis.

6. We do not see any error in the impugned judgment(s) and order(s) and therefore all the appeals which pertain to the concept of rounding-off of the disability pension are dismissed, with no order as to costs.

7. The dismissal of these matters will be taken note of by the High Courts as well as by the Tribunals in granting appropriate relief to the pensioners before them, if any, who are getting or are entitled to the



disability pension.”

7. Learned counsel for the petitioners has not been able to dispute the said proposition of law having been settled by the Hon’ble Supreme Court of India in ***Ram Avtar’s case (supra)*** to the effect that percentage of disability is to be rounded off and when applied in the present case, disability of 20% is to be rounded off to 50%.

8. Further, in a recent judgment in **Civil Appeal No.11311 of 2025** titled as ***Union of India and others vs. Reet MP Singh and another***, decided on 01.09.2025, the Hon’ble Supreme Court of India by placing reliance upon ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761***, has again reiterated that the benefit of rounding off the disability element cannot be denied.

9. Further, with regards to the grievance raised that the respondent No.1 had served in the DSC for 10 years and 07 days and is not entitled for the disability pension, it is relevant to refer to a verdict rendered by the learned Tribunal concerned in case Original Application No.324 of 2016 titled as ***Om Parkash Guleria Vs. Union of India and others***, decided on 10.08.2018, wherein a similar question was put forth before the Tribunal concerned, that ***‘whether the applicant who was in receipt of army pension at the time of his re-enrollment in the DSC, is entitled to the disability pension in the DSC service also?’*** The learned Tribunal concerned after considering the relevant regulations observed that in terms of Regulation 179 of the Pension Regulations for the Army, 1961, the applicant was entitled to disability pension consisting of service element as well as disability element. Further, the Tribunal also observed that the mere fact that the applicant was in receipt



of pension of his first spell of Army service does not disentitle him to become an able recipient of the component of disability pension thus for the second spell of service in the DSC. The said verdict was challenged by the Union of India before the Hon'ble Supreme Court and the same was upheld by the Apex Court in its verdict rendered in case titled as **Union Of India & Ors. Vs. Om Prakash Guleria**, decided on 27.08.2021, to which Civil Appeal No. (Diary No. 9346 of 2021) became assigned. The relevant paragraphs, as occur in the said verdict are extracted hereinafter.

*“2. Besides the delay of 515 days in filing the appeal, which has not been satisfactorily explained, even on merits, we find no error in the judgment dated 10 August 2021 of the Armed Forces Tribunal. **The Tribunal has correctly construed the provisions of the pension regulations and the ultimate conclusion, entitling the respondent to the service element of the disability pension and the benefit of rounding off, does not suffer from any error.***

3. The Civil Appeal is, therefore, dismissed on the ground of delay as well as on merits.”

10. Keeping in view the facts and circumstances of the present case as well as the settled principle of law in **Ram Avtar's case (supra)** as well as **Reet MP Singh's case (supra)** once, at the time of selection, the respondent was medically examined and was found fit in all aspects and it was only during the continuation of service for a period of 10 years and 07 days that the respondent was found suffering from *Primary Hypothyroidism*. That being so, the said disease has to be attributed and aggravated by the military service and the unsubstantiated report of medical board cannot take away the right of the respondent to claim the benefit of disability pension at 50% as against 20% by



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rounding it off.

11. Hence, in the absence of any perversity being pointed out in the impugned order dated 01.07.2019 (Annexure P-1) either on the basis of the facts on record 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. No other argument has been raised.

13. Accordingly, the writ petition is dismissed.

14. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 15, 2025
Varinder

Whether speaking/reasoned : Yes

Whether reportable : No