

**CWP-28652 of 2024****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CWP-28652 of 2024****Date of Decision: December 01, 2025****Union of India and others****.... Petitioners****Versus****Ex.SGT Mukhtiar Singh and another****.... Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: - Mr. S. K. Sharma, Senior Panel Counsel with
Mr. Rajat Sharma, Advocate
for the petitioners.

***********HARSIMRAN SINGH SETHI, J. (ORAL)
CM-20440-2024**

This is an application under Article 226 read with Section 151 CPC for placing on record the order dated 01.02.2021 as Annexure A-1.

For the reasons mentioned in the application, the same is allowed. Order dated 01.02.2021 is taken on record as Annexure A-1.

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1. In the present petition, the challenge is to the impugned order dated 29.03.2023 (Annexur P-1) passed by respondent No.2- Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'Tribunal') by which respondent No.1 has been allowed the benefit of service pension on the last rank held i.e. Junior Warrant Officer (JWO) at the time of his retirement, which is incorrect.

2. The only argument raised by the learned counsel for the petitioner is that the Tribunal has wrongly granted the benefit of arrears to respondent No.1 for whole of the intervening period despite a delay of 34 years as it is a settled principle of law settled by the Hon'ble Supreme Court in **Shiv Dass Vs. Union of India (2007) 9 SCC 274** that where a claim is raised after a delay, Courts are to restrict the benefit of arrears to 03 years preceding the filing of the original application.

3. We have heard learned counsel for the petitioner and have gone through the record of the case with his able assistance.

4. In the present case, respondent No.1 was enrolled in the Air Force Service on 09.11.1964 and was discharged from service w.e.f. 30.11.1984 on completion of his terms and engagement under Air Force Rules after completing 20 years 22 days service. The learned Tribunal has granted the relief of service pension to respondent No.1 for the last rank held by him i.e. Junior Warrant Officer (JWO) without restricting the arrears to 3 years.

5. With regard to the grievance of petitioners qua grant of benefit of arrears for whole of the intervening period, as per the settled principle of law settled by the Hon'ble Supreme Court of India in **Balbir Singh Vs. Union of India and others** in Civil Appeal No. 3086 of 2012 decided on 08.04.2016 wherein also the question for consideration was regarding limiting the benefits of arrears admissible for a period of three years, wherein the benefit of arrears for the entire period, as was being claimed by the claimant was granted to the

claimant. The relevant paragraph of the judgment of Hon'ble Supreme Court of India is extracted hereunder:-

“(A) The Tribunal therefore justified in restoring the service element of the pension in favour of the appellant. The question however is whether the arrears could have been restricted to three years only. The Tribunal in our view need not have done so. That is because the appellant had a right to receive service element of the pension in light of Regulation 186 (supra), which right was valuable and ought to have been protected. We accordingly allow this appeal and modify the order passed by the Tribunal with the direction that the appellant shall be paid service element of the pension with effect from the date the said payment was stopped by the respondents. We however grant to the respondents three months time to calculate and release the arrears in favour of the appellant. In case the needful is not done within the time stipulated, the arrears payable to the appellant shall start earning interest at the rate of 9% from the date the period of three months expires till actual payment of the amount.”

6. Learned counsel for the petitioner has not been able to dispute the said proposition of law settled by the Hon'ble Supreme

Court of India. Hence, no ground is made out for any interference by this Court. Accordingly, the present writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(ROHIT KAPOOR)
JUDGE

December 01, 2025
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Whether speaking/reasoned	Yes
Whether Reportable	No