



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

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CWP-25832-2025

Date of Decision: 01.09.2025

Union of India and others**....Petitioners****Versus****Ex.Sep Baldev Singh and another****....Respondents**

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

Present: Ms. Shalini Atri, Senior Panel Counsel for the petitioners.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 04.12.2024 (Annexure P-3) 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 disability pension by rounding off the disability element from 60% to 75% for life on the ground that the same is perverse.

2. The argument raised by learned counsel for the petitioners is that respondent No.1 is not entitled to the benefit of rounded off the disability pension from 60% to 75% 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***, thus, the grant of benefit of disability pension to respondent No.1 by rounding off @ 75% is incorrect and the facts of the present case have not been appreciated in correct perspective by the Tribunal while passing the impugned order dated 04.12.2024 (Annexure P-3).



3. The learned counsel for the petitioners places reliance upon the report of medical examination of respondent No.1 to contend that though the disability of “(i) *Seronegative Poly Arthritis* (ii) *Primary Hypertension* and (c) *Bronchial Asthma*” and all assessed @20% each i.e. 60% for life and held them to be aggravated by the military service but further the claim was forwarded to PCDA(P) Allahabad who granted the disability pension for two diseases only viz *Seronegative Poly Arthritis* and *Bronchial Asthma* @ 40% (20% each) and the Tribunal has failed to take into consideration the said fact on the ground that the same is incorrect.

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

5. The prayer of the petitioners is that the claim of respondent No.1 regarding the disability of *Primary Hypertension* has been denied by the PCDA(P) Allahabad but, it is matter of fact that other two ailments were held to be aggravated by the military service having disability 40% and once Release Medical Board has held the disability to be aggravated by the military service, the same cannot be interfered by the Administrative Authorities. Even qua the disability of *Primary Hypertension*, the same was not suffered by the officer at the time of recruitment and the same was suffered during service and as per settled principle of law settled by the Hon’ble Supreme Court of India in ***Dharamvir Singh versus Union of India and others*, (2013) 7 SCC 316**, any disability suffered during service is to be treated as attributed to military service.

6. It is a conceded position that as per the settled principle of law settled by Hon’ble Supreme Court of India in ***Ram Avtar’s case (supra)***, any



officer serving in the Armed Forces, who had undergone the medical examination at the time of his/her selection and was found fit, subsequently upon suffering a disability, is entitled to the benefit of disability pension by rounding off the same as the presumption would be that the disability suffered is attributable to the Military service. Relevant paras of the judgment in **Ram Avtar's case (supra)**, are 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 to be rounded off and when applied in the present case disability of 60% to be rounded off to 75%.

8. Keeping in view the facts and circumstance of the present case as well as the settled principle of law settled in **Ram Avtar’s case (supra)**, respondent No.1 has rightly been held to be entitled to disability pension by rounding off the disability element from 60% to 75% w.e.f. 01.11.2003.

9. No other argument has been raised.

10. Hence, in the absence of any perversity being pointed out in the impugned order dated 04.12.2024 (Annexure P-3) 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.

11. Accordingly, the writ petition is dismissed.

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

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 01, 2025

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No

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