

**CWP-26222-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(114)****CWP-26222-2025****Date of Decision : September 04, 2025****Union of India and others****.. Petitioners****Versus****Mohinder Singh and another****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI****Present: Ms. Geeta Singhwal, Advocate, for the petitioners-UOI.****HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present petition, the challenge is to the impugned order dated 02.05.2023 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Chandigarh Bench, (for short, 'the Tribunal') by which, respondent No.1 has been allowed the benefit of arrears for the intervening period after grant of benefit of disability pension by rounding off the disability element @ 50% as against 20% w.e.f. 19.06.2003 for life on the ground that the same is perverse.

2. Learned counsel for the petitioners submits that though the entitlement qua disability pension of respondent No. 1 is not being disputed by the petitioners, but the benefit of arrears payable to respondent No. 1 should be restricted and the disability pension shall be paid by taking into



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consideration the assessment made by Medical Board @ 20% rather than 50% as has been rounded off by the Tribunal.

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

4. Once, the admissibility of the benefit of disability pension to the respondent No. 1 is not being disputed by the petitioners before this Court, the grant of arrears qua disability pension to respondent No. 1 cannot be restricted to a period of three years.

5. Being a model employer, the Union has to extend the benefit of disability pension for which the disabled person is entitled at the time of relieving him/her from the service concerned on the ground of said disability.

6. Merely, that the employee has not claimed the benefit admissible to him/her immediately, but when the same is claimed, the benefit so admissible to an employee has to be given from the date of his/her entitlement so that such disabled employee do not suffer due to the inaction on the part of the Union in not granting him/her the benefit admissible.

7. As per the settled principle of settled by Hon'ble Supreme Court of India in case titled as '**Balbir Singh Vs. Union of India and Others'** to which Civil Appeal No. 3086 of 2012 decided on 08.04.2016, the benefit of arrears cannot be restricted and the respondents cannot be allowed to take the benefit of their own wrong. The relevant paragraph of the said judgment is extracted hereinafter:

“The Tribunal was 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



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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. The fact that the appellant had approached the Tribunal for redress belatedly was in the peculiar circumstances of the case, no reason for the Tribunal to reduce the payment of arrears to three years only.”

8. Further, as per the settled principle of law settled by Hon’ble Supreme Court of India in ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761***, 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.”

9. Learned counsel for the petitioners has not been able to dispute the said proposition of law having been settled by the Hon’ble Supreme

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Court of India in *Balbir Singh's case (supra)* as well as *Ram Aytar's case (supra)*.

10. No other argument has been raised.

11. Keeping in view the above, there is no perversity in the impugned order dated 02.05.2023 (Annexure P-1) passed by the Tribunal granting the rounding off benefit of disability pension to respondent No. 1 from the date when he became entitled to get the said benefit alongwith the benefit of arrears, hence, 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 application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

September 04, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No