

CWP-33893-2025 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-33893-2025 (O&M)
Date of Decision :18.11.2025

Union of India and others

...Petitioners

Versus

Ex. Naik Ajmer Singh and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present: Ms. Bhavana Datta, Senior Panel Counsel
for the petitioners-UOI.

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HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, challenge is to the impugned order dated 02.03.2023 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Regional Bench Chandigarh (hereinafter referred to as 'the Tribunal') by which, respondent No.1 has been allowed the benefit of disability pension keeping in view the injury suffered by the respondent No.1 on 20.05.2015.

2. Learned counsel for the petitioners argues that the said injury was suffered by respondent No.1 on 20.05.2015 in an accident while he was availing benefit of annual leave from 15.04.2025 to 04.06.2025 (51 days) hence, keeping in view the settled principle of law where an accident has no relation with the military service, the grant of benefit of disability pension by the Tribunal is incorrect as the injury is not attributable to military service and the impugned order dated 02.03.2023 (Annexure P-1) is liable to be set



aside.

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

4. It may be noticed that while respondent No.1 was in service and was availing benefit of annual leave from 15.04.2015 to 04.06.2015, an accident took place on 20.05.2015 in which, certain injuries were suffered by respondent No.1. Despite the said injuries, the respondent No.1 kept on working till he was discharged from service on 31.01.2019 therefore, for approximately for a period of 04 years, the respondent No.1 worked with the petitioners despite the said injury.

4. The Injury which was suffered in 2015 was aggravated to such an extent that the respondent No.1 could not continue in service beyond January 2019 and he was discharged under the low medical category which is a conceded position.

5. Once, the injury though, not attributable to the military service but has to be treated as aggravated by military service as after suffering the injury, the respondent No.1 continued to work for a period of approximately four years and it was due to the aggravation of the said injury, he being in the low medical category, could not continue in service thereafter hence, the Injury might not be attributable to military service but aggravation of the injury suffered comes to the rescue of respondent No.1 as per Rule 19 of the Entitlement Rules for Casual Pensionary Awards, 1982 to claim the benefit of disability pension as on the date when the respondent No.1 was discharged from service on 31.01.2019 even as per the petitioners, he was suffering from 50% composite disability. That being so, the disability which is aggravated by military service also entitles the grant of benefit of



disability pension which fact has gone unrebutted at the hands of the petitioners.

6. Further, the disability @ 50% has to be rounded off to 75% 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***, wherein it has been held that any officer serving in the Armed Forces, who had undergone the medical examination at the time of his/her enrolment and was found fit and is subsequently found to be suffering with a disability, is entitled to the benefit of disability pension by rounding off the same as the presumption would be in favour of such employee, that the disability suffered during the service is attributable to 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.”

8. Learned counsel for the petitioners has relied upon the judgment of the Hon'ble Supreme Court of India in **Civil Appeal No.4981-02012 titled as The Secretary, Government of India and others vs. Dharambir Singh, decided on 20.09.2019** to contend that any accident which has no correlation with the military service, cannot be treated as attributable to the military service.

9. It may be noticed that there is no quarrel with the said settled proposition of law as this Court is also holding that the injury suffered by respondent No.1 in May, 2015 was not attributable to military service but as the respondent No.1 continued working despite suffering the said disability for a period of four years, and the injury suffered was aggravated which led to ultimately discharged of respondent No.1 from service after a period of four years, the judgment in **Dharambir Singh's** case (supra) cannot come to the rescue of the petitioners.

10. No other argument has been raised.

11. Keeping in view the above, no ground for interference by this Court in the impugned order dated 02.03.2023 (Annexure P-1) passed by the Tribunal is made out and the present petition is accordingly dismissed.

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

(HARSIMRAN SINGH SETHI)
JUDGE

(YASHVIR SINGH RATHOR)
JUDGE

November 18, 2025

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Whether speaking/reasoned : Yes
Whether reportable : No