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

CWP-28656-2024

Date of decision: 18.11.2025

**UNION OF INDIA MINISTRY OF DEFENCE NEW DELHI
THROUGH ITS SECRETARY AND OTHERS**

.....Petitioners

VERSUS

NO 249444B EX MWO BHAGWANT SINGH AND ANOTHER

...Respondents

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

Present: Mr. S.K. Sharma, Sr. Panel Counsel
for the petitioners.

Mr. Navdeep Singh, Sr. Advocate with
Ms. Roopan Atwal, Advocate and
Mr. Rajat Chauhan, Advocate
for the respondents.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present case, the challenge is to the order dated 23.03.2023 (Annexure P-1) passed by the Armed Forces Tribunal Chandigarh Bench (hereinafter referred to as 'the Tribunal') wherein the direction has been given to the petitioner-UOI to decide the case in terms of the judgment of the Armed Forces Tribunal, Chennai in OA No.62 of 2014 titled as '*JWO P. Gopalakrishnan Vs. Union of India and others*' decided on 13.02.2015.

2. The only argument raised by the petitioners is that the arrears



should be restricted to three years before filing the Original Application as there is a delay of 16 years in filing the Original Application.

3. The learned Senior counsel appearing on behalf of the respondents submits that as per the judgment of Hon'ble Supreme Court of India in ***Civil Appeal No.3086 of 2012*** titled "***Balbir Singh vs. Union of India and others***", decided on 08.04.2016, the grant of the arrears is permissible.

3. We have heard the learned counsel for the parties and has gone through the record with their able assistance.

4. The only arguments raised is that the arrears should be restricted keeping in view of the fact that the respondent was discharged in the year 2001. It may be noticed that once, as per the settled principle of law, the respondent was held entitled for pension for the last rank held which the petitioner should have granted on their own rather than forcing the respondent No.1 to approach the Court to claim the same benefit, the prayer of restricting the arrears cannot be accepted.

5. Further, as per judgment in ***Balbir Singh's*** case (supra), it has already been held that the restriction *qua* the arrears of pension cannot be granted. The relevant paragraph is as under:

"XXX....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 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. Keeping in view the totality of the facts and circumstances of the present case, as well as the settled principle of law in Balbir’s case (supra), no ground is made out for any interference by this Court.
7. Accordingly, the writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(YASHVIR SINGH RATHOR)
JUDGE

18.11.2025
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No