



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

136

CWP-26679-2025**Date of Decision: 08.09.2025**

UNION OF INDIA AND OTHERS

...Petitioners

Versus

EX. NK MAHAVIR PRASAD AND ANR

...Respondents

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

Present:- Ms. Neha Jain, Senior Panel Counsel,
for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the impugned order dated 04.01.2023 (Annexure 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 rounding off the war injury pension from 20 % to 50 % for life in pursuance to grant of which benefit he has been held entitled to benefit of arrears for whole of the intervening period, which is incorrect, keeping in view the facts and circumstances of the present case.

2. Learned counsel for the petitioners submits that the grant of benefit of rounding off the war injury disability pension to respondent No.1 by the Tribunal vide order dated 04.01.2023 (Annexure P-1) by placing



reliance upon the judgment of Hon'ble Supreme Court of India in **Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761**, and further that the benefit of arrears granted to respondent No.1, in pursuance to granting the benefit of rounding off war injury disability from 20% to 50%, which has been granted to respondent No.1 for whole of the intervening period is incorrect in view of the ***Shiv Dass vs. Union of India and others, (2007) 9 SCC 274***, wherein the Hon'ble Supreme Court has explicitly settled that where a claim is entertained after delay, Courts are ought to restrict the arrears to 03 years preceding the filing of the Original Application hence, the grant of disability pension by rounding off @ 50% along with arrears, is incorrect.

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 war injury pension has already been given to respondent No.1. Only the disability of 20% has been rounded off to 50% as per the direction of the Tribunal.

5. 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.”

6. Further, as per the settled principle of law settled by the 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, wherein also the question was with regard to limiting of the benefits of admissible arrears to the period of three year wherein the relief of entire arrears granted to the claimant, the Hon’ble Supreme Court of India held 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.”

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) as well as **Balbir Singh’s** case (supra).

8. No other argument has been raised.

9. No ground is made out to interfere in the order dated 04.01.2023 (Annexure P-1) passed by the Tribunal and the present writ petition is dismissed accordingly.

10. Pending application, if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 08, 2025

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Whether speaking/reasoned	Yes
Whether reportable	No