



CWP-27828-2025

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

CWP-27828-2025

Date of Decision :03.11.2025

Union of India and others

... Petitioners

Versus

Ex. NK Sardari Lal and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURIPresent: Ms. Sehej Sandhawalia, Senior Panel Counsel
for the petitioners-UOI.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 03.02.2023 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh, (for short, 'the Tribunal') by which, respondent No.1 has been allowed the benefit of disability pension by rounding off the disability element from 30% to 50% w.e.f. 01.01.1996 to 31.12.2015.

2. The only argument raised by learned counsel for the petitioners is that respondent No.1 is not entitled to the benefit of rounding off the disability pension from 30% to 50% by placing reliance upon the judgment in ***Civil Appeal No.418-2012 Union of India and others vs. Ram Avtar, decided on 10.12.2014*** and the facts of the present case have not been appreciated in a correct perspective by the Tribunal while passing the impugned order dated 03.02.2023 (Annexure P-1).



CWP-27828-2025

-2-

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

4. It is a conceded fact that at the time when respondent No.1 was discharged from service on 30.09.1990 on completion of his terms of engagement under Army Rule 13(3) Item III (i), he had already rendered 18 years of service with the petitioners-Union of India. It is also a conceded fact that at the time when respondent No. 1 joined the armed forces i.e. 28.03.1972, he was medically examined and was not found suffering from any such disease, on the basis of which, respondent No. 1 has been granted the benefit of disability pension.

5. A bare perusal of the impugned order passed by the Tribunal states that even the Medical Board has assessed disability of 'Low Backache (old) V-67' @ 30%, which disability has been assessed to be attributable to military service and the said fact has gone unrebutted at the hands of the petitioners. Keeping in view this fact also, when even the Medical Board has conceded that the disease which led to the discharge of the officer concerned was attributed to the military service, filing of the petition by the Union of India is contrary to the recommendations of the Medical Board itself.

6. Further, 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 is to be rounded off and when applied in present case, disability of 30% is to be rounded off to 50%.

8. Further, in a recent judgment in ***Civil Appeal No.11311 of 2025 titled as Union of India and others vs. Reet MP Singh and another, decided on 01.09.2025***, the Hon’ble Supreme Court of India by placing reliance upon ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761*** as well as ***Bijender Singh vs. Union of India and others, 2025 SCC Online SC 895***, has again reiterated that the benefit of rounding off the disability element cannot be denied.

9. 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)*** as well as in ***Reet M.P. Singh’s case (supra)*** once at the time of selection,



CWP-27828-2025

-4-

respondent No. 1 was medically examined and was found fit in all respects and it was only during the service, respondent No.1 was found suffering from 'Low Backache (old) V-67' @ 30%, that being so, claim of respondent No.1 for the benefit of disability pension by rounding off the disability from 30% to 50% as per the settled principle of law settled in **Ram Avtar's case** (**supra**) has rightly been allowed by the Tribunal.

10. No other argument has been raised.

11. Hence, in the absence of any perversity being pointed out in the impugned order dated 03.02.2023 (Annexure P-1) 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 and the writ petition is accordingly dismissed.

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

(HARSIMRAN SINGH SETHI)
JUDGE

November 03, 2025

(VIKAS SURI)
JUDGE

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Whether speaking/reasoned : Yes

Whether reportable : No