



CWP-33316-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-33316-2024 (O&M)
Date of Decision :31.10.2025

Union of India and others

...Petitioners

Versus

Jarnail Singh and another

...Respondents

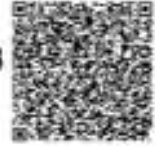
CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURIPresent: Mr. Varun Veer Chauhan, Advocate
for the petitionersMr. Arshit Goel, Advocate and
Mr. Ajay Sheoran, Advocate
for respondent No. 1

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the order dated 13.12.2022 (Annexure P-1) passed by learned Armed Forces Tribunal, Chandigarh Bench, by which, the injuries (i) Head Injury (ii) Brachial Plexus Injury (RT) OPTD suffered by respondent No. 1 during the time he was availing casual leave, has been treated as attributable to the military service so as to grant him the benefit of disability pension, which is incorrect.

2. Learned counsel for the petitioners submits that though, the facts are not in dispute but, keeping in view the judgment of the Hon'ble Supreme Court of India in Civil Appeal No. 9654 of 2014 decided on 18.07.2022 titled as ***Union of India and others vs. Ex. Naik Ram Singh***, the benefit of disability pension granted to respondent No. 1 despite him being on casual leave while he incurred the said

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disabilities can not be appreciated, hence, the impugned order passed by the Tribunal dated 13.11.2022 may kindly be set aside.

3. Learned counsel appearing on behalf of respondent No. 1 submits that the facts in the present case are not the same as in *Ex. Naik Ram Singh (supra)* and therefore, there is no applicability of the said case in present case.

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

5. It is a conceded position that in the present case, respondent No. 1 was availing casual leave when he suffered from accident which led to him suffering from said disabilities. Qua said aspect it shall be noted that as per Rule 10 of the Defence Service Regulations, the casual leave is to be treated as duty period for all intents and purposes.

6. With regard to grant of disability pension when an injury suffered by an army personnel while availing casual leave has already been settled by the Hon'ble Supreme of Court India in a number of cases.

7. The Hon'ble Supreme Court of India in Civil Appeal No.1926 of 1999, titled as *Madan Singh Shekhawat vs. Union of India and others*, decided on 17.08.1999, held that the grant of disability pension is governed by the various rules in the Defense Service Regulations and as per Rule 10 of the said Regulations, the period of casual leave counts as duty period. Further, even in case where an army personnel is travelling either for the purpose of joining or to join the family back after coming from the unit or vice versa, the same also is to be treated as part of the duty.

8. The same issue was again considered by the Hon'ble Supreme Court of India in Civil Appeal No.2433 of 2011, titled as *Union of India and another vs.*



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Surendra Pandey, decided on 18.09.2014 wherein it has been held that travelling back to join the family from the Unit and meeting with an accident on the way, has to be treated as connected with and attributed to the military service so as to grant the special family pension to the wife of the deceased officer. The reliance was placed upon the judgment in **Madan Singh Shekhawat's** case (supra). Once, as per rules governing the service, and settled principles of law settled by Hon'ble Supreme Court, in supras, the "casual period" is to be treated as "duty period" and the nexus of any disability suffered with the military service has been kept wide enough, keeping in view the facts and circumstances of present case, this Court sees no reason to disentitle respondent No. 1 of the benefit of disability pension which has been granted to him for any injury suffered by him during the time he was availing his casual leave.

9. Keeping in view the totality of the circumstances noted hereinbefore, the order passed by the Tribunal has not been shown to be perverse either on merits or on facts or on the settled principle of law. Hence, no ground for interference is called for.

10. The petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

October 31, 2025

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Whether speaking/reasoned : Yes

Whether reportable : No