



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

206

CWP-32838-2024

Date of Decision: 21.11.2025

UNION OF INDIA AND ORS

...Petitioners

Versus

MOHINDER SINGH AND ANR

...Respondents

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

Present:- Mr. Anil Chawla, Senior Panel Counsel, for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 12.09.2019 (Annexure P-1) passed by the Armed Forces Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which, the petitioners are directed to calculate the arrears of disability pension consisting service element and disability element @ 50% against 20%.

2. Learned counsel for the petitioners argues that respondent No.1 had not completed 15 years of service in the Defence Security Corps (DSC) when he was discharged from service, though he was discharged due to lower medical category having 20% disability. Learned counsel for the petitioners submits that the disability pension could have been given but the service element could not have been given.

3. We have heard the learned counsel for the petitioners and have gone through the record of the case with his able assistance.



4. It may be noticed that the same issue came up for consideration before the Tribunal on 10.08.2018 in OA No.324 of 2016 titled as *Om Prakash Guleria vs. Union of India and others*, where also, the benefit of service element was awarded by the Tribunal and an appeal thereagainst was preferred before the Hon'ble Supreme Court of India being Civil Appeal (Diary No.9346 of 2021), which appeal was dismissed upholding the grant of the similar relief.

5. The issue which has already attained finality should not be raised by the Union of India again for the consideration before the Court. Learned counsel for the petitioners has not been able to rebut the contention that the issue raised in the present petition was also raised in CWP-19497-2024, which was dismissed by the Coordinate Bench. That being so, once the Coordinate Bench has already considered the said issue and dismissed the writ petition, coming to a different conclusion in this petition, does not arise.

6. Further, learned counsel for the petitioners has also not been able to rebut the fact that the same issue has been decided by the Tribunal in OA No.324 of 2016 (supra), titled as *Om Prakash Guleria vs. Union of India and others*, allowing the benefit in favour of the employee, which benefit has been upheld by the Hon'ble Supreme Court of India even on merits.

7. With regard to the grant the benefit of rounding off the disability pension from 20% to 50%, it may be noticed that the said issue has already been examined by the 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 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.”

8. The Hon’ble Supreme Court of India in recent judgment passed in Civil Appeal No.11311 of 2025 decided on 01.09.2025 titled as ***Union of India and others vs. Reet MP Singh and another***, the grant of benefit of



rounding off the disability as per **Ram Avtar's** case (supra) has again been upheld, which fact has gone un-rebutted at the hands of the petitioners.

9. Keeping in view the settled principle of law settled in **Ram Avtar's** case (supra) and **Reet MP Singh's** case (supra) as well as the facts and circumstances of the present case rounding off the disability is permissible.

10. Learned counsel for the petitioners argues that respondent No.1 was already getting pension for his first service. Once, it is a conceded fact that a separate pension is admissible for working in DSC and respondent No.1 is discharged from DSC on the ground of lower medical category and that too, with regard to the disability, which is attributable to the military service as per the settled principle of law and as per the rules, the second pension is admissible and therefore, the said argument cannot be accepted.

11. No other argument has been raised.

12. Hence, in the absence of any perversity being pointed out in the impugned order dated 12.09.2019 (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.

13. Accordingly, the writ petition is dismissed.

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

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

November 21, 2025
harish

Whether speaking/reasoned	Yes
Whether reportable	No