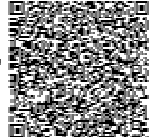


2025:PHHC:005865-DB

CWP-34282-2024 (O&M)
Date of Decision: 16.01.2025

Union of India and others

...Petitioners

Vs.

Govind Ram and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present Mr. Harkirat Singh Sandhu, Advocate for the petitioners.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Learned counsel submits that the Armed Forces Tribunal should have directed the arrears to be released only for the period of three years.
2. However, we find that it is not a case of releasing the pension but is a case where the Tribunal has directed rounding off the disability element to 50% as against 20% relying on the judgment of the Hon'ble Supreme Court in the case of **Union of India and others vs. Ram Avtar and others, Civil Appeal No.418/2012, decided on 10.12.2014**, w.e.f. 01.01.1996 to 31.12.2015. The same, therefore, would be counted as arrears for the said period and has to be released in terms of the directions issued by the Tribunal along with interest as laid down therein. The period of three years as suggested by the Additional Solicitor General in the case of Union of

India through its Secretary and others vs. SGT Girish Kumar, Civil Appeal Diary No.21811/2018, decided on 13.07.2018, would have not application nor it can be said to be a rule laid down by the Hon’ble Apex Court.

3. In view of the above, we do not find any reason to interfere with the order passed by the Tribunal dated 06.12.2023 and the writ petition is accordingly dismissed.

4. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

16.01.2025
rajesh

- | | | |
|-------------------------------|---|--------|
| 1. Whether speaking/reasoned? | : | Yes/No |
| 2. Whether reportable? | : | Yes/No |