



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

257

CWP-34920-2024

Date of Decision: 16.09.2025

UNION OF INDIA AND OTHERS

...Petitioners

Versus

EX NK KRISHAN KUMAR AND ANOTHER

...Respondents

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

Present:- Mr. B.S. Khaira, Senior Panel Counsel,
for the petitioners.

Mr. Parveen, Advocate and
Mr. Abhijeet Sharma, Advocate, for respondent No.1.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the impugned order dated 10.11.2023 (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 disability pension by rounding off the disability element from 30 % to 50 % w.e.f. 01.12.2003 to 31.12.2015.

2. The argument raised by the learned counsel for the petitioners is that the Tribunal has wrongly granted the benefit of rounding off the disability pension from 30% to 50% vide order dated 10.11.2023 (Annexure P-1) by placing reliance upon the judgment of Hon'ble Supreme Court of India in K.J.S. Buttar vs. Union of India and others, 2011 STPL (Web) 316 and Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761,



is incorrect. He has further argued that the benefit of arrears granted to respondent No.1, in pursuance to granting the benefit of rounding off disability pension from 30% to 50%, which has been granted to respondent No.1 for whole of the intervening period, is incorrect in view of the judgment in *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 raised after a delay, Courts are to restrict the benefit of arrears to 03 years preceding the filing of the Original Application hence, the grant of disability pension by rounding off @ 50% along with arrears for whole of the intervening period, is incorrect.

3. Learned counsel appearing for respondent No.1 submits that the impugned order dated 10.11.2023 (Annexure P-1) passed by the Tribunal is based on the settled principle of law settled by the Hon'ble Supreme Court of India and hence, the present writ petition deserves to be dismissed.

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

5. In the present case, the disability of respondent No.1 was assessed by Medical Board and same was assessed at 30% and the same was also assessed to be aggravated by military service. Once the Medical Board has assessed the said disability as being aggravated by military service, it was incumbent upon the petitioner-UOI to grant respondent No.1 the said benefit of disability pension.

6. As for the grievance of petitioners qua grant of benefit of rounding off the disability, it shall be noted that 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.”



7. 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.

8. With regard to the grievance of petitioners qua grant of benefit of arrears for whole of the intervening period, 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 for consideration was regarding limiting the benefits of arrears admissible for a period of three years, wherein the benefit of arrears for the entire period, as was being claimed by the claimant was 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."



9. 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), **Reet MP Singh’s** case (supra) and **Balbir Singh’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%.

10. Keeping in view the facts and circumstances of the present case as well as settled principle of law settled in **Ram Avtar’s** case (supra), **Reet MP Singh’s** case (supra) and **Balbir Singh’s** case (supra), the benefit of rounding off granted to respondent No.1 by the Tribunal along with benefit of arrears for whole of the intervening period, is in accordance to law and has been rightly granted keeping in view the facts and circumstances of the present case.

11. No other argument has been raised.

12. No ground is made out for any interference by this Court in the order dated 10.11.2023 (Annexure P-1) passed by the Tribunal. The present writ petition is dismissed accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 16, 2025
harish

Whether speaking/reasoned	Yes
Whether reportable	No