



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

256

CWP-34918-2024

Date of Decision: 16.09.2025

UNION OF INDIA AND OTHERS

...Petitioners

Versus

RAJVIR SHANWAL AND ANR

...Respondents

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

Present:- Dr. Anju Sharma, Senior Panel Counsel,
for the petitioners.

None for the respondents.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the impugned order dated 10.10.2018 (Annexure P-2) 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 rounding off the disability pension to the extent of 50% as against 30% w.e.f. 01.12.2000, as he was found to be suffering from "POST KERATITIS CORNEAL OPACITY (LT EYE), keeping in view the facts and circumstances of the present case, on the ground that the same is perverse.

2. The only argument raised by the learned counsel for the petitioners is that the grant of benefit of rounding off the disability pension to respondent No.1 by the Tribunal vide order dated 10.10.2018 (Annexure P-2) by placing reliance upon the judgment of Hon'ble Supreme Court of



India in ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761***, is incorrect.

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 respondent No. 1 was already getting disability element of disability pension @ 30% for life, which disability was found to be attributed to military service even by the Medical Board. The only claim raised by respondent No.1 is to round off the disability of 30% to 50% w.e.f. 01.12.2000, which benefit has been allowed by the Tribunal.

5. 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. 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) and **Reet MP Singh’s** case (supra).

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. No other argument has been raised.
11. Hence, in the absence of any perversity being pointed out in the impugned order dated 10.10.2018 (Annexure P-2) 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.
12. Accordingly, the writ petition is dismissed.
13. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 16, 2025
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Whether speaking/reasoned	Yes
Whether reportable	No