

2025:PHHC:000551-DB

CWP-31-2025 (O&M)
Date of Decision: 07.01.2025

Union of India and others

...Appellants

Vs.

Ex. LNK Vinod Kumar and another

...Respondents

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

Present: Mr. Maheshinder Singh Sidhu, Advocate for the appellants.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. This writ petition has been filed assailing the order passed by the Armed Forces Tribunal (for short 'the AFT') dated 02.12.2019, whereby the AFT granted disability element and the service element pension in the second spell of DSC Service @ 50% w.e.f. 01.09.2018.

2. Learned counsel submits that the disability cannot be said to be attributable to the service.

3. However, we find that the respondent No.1 was released from DSC Service on the ground of being Low Medical Category and was not granted further extension in the DSC Service. Before he joined DSC Service, he was receiving regular pension which did not include disability element. The disability has, therefore, occurred while in DSC service and has to be treated as attributable to the service and merely because he was in receipt of

pension for the first spell of army service, it cannot be held that he is not entitled to disability pension for the second spell in DSC Service. The OA was accordingly allowed in terms of the judgment of the Hon'ble Supreme Court in **Dharamvir Singh vs. Union of India and others (2013) 7 SCC 316.**

4. In view thereto, we do not find any reason to interfere with the order passed by the AFT. The writ is accordingly dismissed.

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

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

07.01.2025
rajesh

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