



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

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**CWP-37731-2025 (O&M)
Decided on : 19.12.2025**

UNION OF INDIA AND OTHERS

. .Petitioners

Versus

SUKHVINDER SINGH AND ANR

. . . Respondents

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

PRESENT: Mr. Karanvir Singh Kathuria, Central Government Counsel
for the petitioners.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 04.12.2018 (Annexure P-3) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh, (for short, 'the Tribunal') by which, respondent No.1 has been allowed the benefit of rounding off of the disability element of disability pension to the extent of @ 50% as against 30% w.e.f. 01.12.2006 after grant of which benefit, respondent has been held to be entitled for grant of arrears.

2. We have heard learned counsel for the petitioners and have gone through the case file with his able assistance.

3. The only argument raised by learned counsel for the petitioners is with regard to restriction of arrears admissible to respondent No. 1 after grant of benefit of rounding off of disability element, it may be noticed that once the admissibility of the benefit of rounding off of disability pension to respondent No.1 is not being disputed by the petitioners before this Court, the grant of arrears qua said benefit of rounding off of disability pension to respondent No. 1 cannot be restricted to a period of three years.

4. It is further noticed that being a model employer, the Union has to extend the benefit of rounding off of disability pension for which the



disabled person is entitled to, at the time of relieving him/her from the service concerned on the ground of the said disability.

5. Merely, that the employee has not claimed the benefit admissible to him/her immediately, does not devoid than of the same but when it is claimed, the benefit so admissible to an employee has to be given from the date of his/her entitlement so that such disabled employee does not suffer due to the inaction on the part of the Union in not granting him/her the benefit admissible earlier, especially when said claim is not barred by law of limitation or delay or laches. Hence, once it is a settled principle of law for a long period of the time now, that benefit of rounding off of disability pension is to be granted to an army personnel, non grant of same at hands of petitioner-UOI cannot be attributed to respondent so as to deny him the said benefit of arrears arising after grant of benefit of rounding off of disability pension.

6. Further, as per the principle of law settled by Hon'ble Supreme Court of India in case titled as **'Balbir Singh Vs. Union of India and Others Civil Appeal No. 3086 of 2012 decided on 08.04.2016'**, the benefit of arrears cannot be restricted and the petitioners cannot be allowed to take the benefit of their own wrong. The relevant paragraph of the said judgment is extracted hereinafter:

“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. The fact that the appellant had approached the Tribunal for redress belatedly was in the peculiar circumstances of the case, no reason for the Tribunal to reduce the payment of arrears to three years only.”

7. No other argument has been raised.
8. Hence, in the absence of any perversity being pointed out in the impugned order dated 04.12.2018 (Annexure P-3) 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 and the writ petition is accordingly dismissed.
9. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

19.12.2025

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Whether speaking/reasoned: Yes/~~No~~

Whether Reportable: ~~Yes~~/No