



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 24.12.2025

108

CWP-36886-2025

UNION OF INDIA AND ORS

...Petitioners

Versus

EX NK SUKHBIR SINGH AND ANOTHER

...Respondents

118

CWP-39121-2025

UNION OF INDIA AND ORS

...Petitioners

Versus

NO 14467879 H EX HAV HONY NAIB SUBEDAR JASBIR SINGH AND
ANOTHER

...Respondents

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CWP-39125-2025

UNION OF INDIA AND ORS

...Petitioners

Versus

NARESH KUMAR AND ANOTHER

...Respondents

121

CWP-39156-2025

UNION OF INDIA AND ORS

...Petitioners

Versus

GURMEET SINGH SINCE DECEASED THROUGH SMT BEERPAL
KAUR LR AND ANOTHER

...Respondents

122

CWP-39186-2025

UNION OF INDIA AND ORS

...Petitioners

Versus

KAMLA DEVI AND ANOTHER

...Respondents



123

CWP-39189-2025

UNION OF INDIA AND ORS

...Petitioners

Versus

KARAMJIT SINGH AND ANOTHER

...Respondents

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

Present:- Mr. Dharam Chand Mittal, Senior Panel Counsel,
for the petitioners in CWP-36886-2025.

Mr. Karanvir Singh Kathuria, Senior Panel Counsel,
for the petitioners in CWP-39121-2025.

Mr. Rohit Verma, Senior Panel Counsel,
for the petitioners in CWP-39125-2025, CWP-39156-2025 and
CWP-39189-2025.

Ms. Shalini Atri, Senior Panel Counsel,
for the petitioners in CWP-39186-2025.

Mr. Rajesh Sehgal, Advocate,
for respondent No.1 in CWP-39121-2025.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. By this order, we propose to dispose of six writ petitions i.e. CWP-36886-2025, CWP-39121-2025, CWP-39125-2025, CWP-39156-2025, CWP-39189-2025 and CWP-39186-2025 by a common order as the issues involved in these cases are same. With the consent of learned counsel for the petitioners, the facts are being taken from CWP-36886-2025.
2. In the present petition, the challenge is to the impugned order dated 11.07.2025 (Annexure P-7) 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 element of disability pension along with benefit of rounding off of the disability pension from 40 % to 50 % for life w.e.f. 01.09.2021 keeping in view the facts and circumstances of the present case, on the ground that the same is perverse.

2. Learned counsel for the petitioners places reliance upon the report of Release Medical Board of respondent No.1 to hold that though the disability of “Primary Hypertension” assessed @ 40% for life has been found in respondent No.1, but the same has been held by the Release Medical Board to be ‘neither attributable to Military Service nor aggravated by the Military service’. Hence, the grant of benefit of disability pension to respondent No.1 and rounding off the same from 40% to 50% by the learned Tribunal vide order dated 11.07.2025 (Annexure P-7), is incorrect.

3. We have heard Learned counsel for the petitioners and have gone through the case file with their able assistance.

4. It is a conceded fact that respondent No.1 enrolled in Indian Army service of petitioner-UOI on 15.08.2003 and was discharged from service on 31.08.2021 after rendering 18 years and 17 days of service. It is also a conceded fact that at the time when respondent No. 1 joined the armed forces i.e. 15.08.2003, he was medically examined and was not found suffering from any such disease, on the basis of which, respondent No. 1 was ultimately discharged from service.

5. As per the principle settled by Hon’ble Supreme Court of India in **Dharamvir Singh versus Union of India and others, (2013) 7 SCC 316,** any officer serving in the Armed Forces, who had undergone the medical



examination at the time of his/her selection and was not found suffering from any such disease at that time on the basis of which, he/she has been discharged from service, such an employee is entitled for the benefit of presumption in his/her favour as per Rule 5 and 9 of 'Entitlement Rules for Casualty Pensionary Awards, 1982' that the said disability has been contracted by the employee during his service career and is, thus, entitled for the benefit of disability pension. The relevant para Nos. 30 and 32 of the judgment in ***Dharamvir Singh's*** case (supra) are as under:-

“30. In the present case it is undisputed that no note of any disease has been recorded at the time of appellant's acceptance for military service. The respondents have failed to bring on record any document to suggest that the appellant was under treatment for such a disease or by hereditary he is suffering from such disease. In absence of any note in the service record at the time of acceptance of joining of appellant it was incumbent on the part of the Medical Board to call for records and look into the same before coming to an opinion that the disease could not have been detected on medical examination prior to the acceptance for military service, but nothing is on the record to suggest that any such record was called for by the Medical Board or looked into it and no reasons have been recorded in writing to come to the conclusion that the disability is not due to military service. In fact, non-application of mind of Medical Board is apparent from Clause (d) of paragraph 2 of the opinion of the Medical Board, which is as follows:

“(d) In the case of a disability under C the board should state what exactly in their opinion is the cause



thereof. YES Disability is not related to mil service”

32. In spite of the aforesaid provisions, the Pension Sanctioning Authority failed to notice that the Medical Board had not given any reason in support of its opinion, particularly when there is no note of such disease or disability available in the service record of the appellant at the time of acceptance for military service. Without going through the aforesaid facts the Pension Sanctioning Authority mechanically passed the impugned order of rejection based on the report of the Medical Board. As per Rules 5 and 9 of 'Entitlement Rules for Casualty Pensionary Awards, 1982', the appellant is entitled for presumption and benefit of presumption in his favour. In absence of any evidence on record to show that the appellant was suffering from "Generalised seizure (Epilepsy)" at the time of acceptance of his service, it will be presumed that the appellant was in sound physical and mental condition at the time of entering the service and deterioration in his health has taken place due to service.”

6. Further, 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 to 50% 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. Further, as per the recent judgment of the Hon'ble Supreme Court of India in **Bijender Singh versus Union of India and others, 2025 SSC OnLine SC 895**, the same issue has been considered again and it has been held that proving that disability is not attributed to military service is upon employer and report of Medical Board cannot be accepted especially when no disability was detected at the time of entry into service, relevant paras are as under

“46. Referring back to the impugned order dated 26.02.2016, we find that the Tribunal simply went by the remarks of the Invaliding Medical Board and Re-Survey Medical Boards to hold that since the disability of the appellant was less than 20%, he would not be entitled to the disability element of the disability pension. Tribunal did not examine the issue as to whether the disability was attributable to or aggravated by military service. In the instant case neither has it been mentioned by the Invaliding Medical Board nor by the Re-Survey Medical Boards that the disease for which the appellant was invalided out of service could not be detected at the time of entry into military service. As a matter of fact, the Invaliding Medical Board was quite categorical that no disability of the appellant existed before entering service. As would be evident from the aforesaid decisions of this Court, the law has by now crystalized that if there is no note or report of the Medical Board at the time of entry into service that the member suffered from any particular disease, the presumption would be that the member got afflicted by the said disease because of military service. Therefore the burden of proving that the disease is not attributable to or aggravated by military service rest entirely on the employer. Further, any disease or disability for which a member of the armed forces is invalided out of service would have to be assumed to be above 20% and attract grant of 50% disability pension.

47. Thus having regard to the discussions made above, we are of the considered view that the impugned orders of the Tribunal are wholly unsustainable in



law. That being the position, impugned orders dated 22.01.2018 and 26.02.2016 are hereby set aside. Consequently, respondents are directed to grant the disability element of disability pension to the appellant at the rate of 50% with effect from 01.01.1996 onwards for life. The arrears shall carry interest at the rate of 6% per annum till payment. The above directions shall be carried out by the respondents within three months from today.”

9. Learned counsel for the petitioners have not been able to dispute the said proposition of law having been settled by the Hon’ble Supreme Court of India in ***Dharamvir Singh’s*** case (supra), ***Ram Avtar’s*** case (supra), ***Reet MP Singh’s*** case (supra) and ***Bijender Singh’s*** case (supra).

10. Keeping in view the settled principle of law settled in ***Dharamvir Singh’s*** case (supra), ***Ram Avtar’s*** case (supra), ***Reet MP Singh’s*** case (supra) and ***Bijender Singh’s*** case (supra) as well as the facts and circumstances of the present cases that at the time of selection, respondent No.1 was medically examined and was found fit in all respects and it was only after respondent No.1 rendered service for more than 18 years with the petitioner-UOI, he was found to be suffering from the “Primary Hypertension” along with the fact that no cogent evidence/material or detailed medical record has been brought on record to show this Court that the disability is not attributable to military service. That being so, the said disability has to be attributed to the military service and the report of Medical Board cannot take away the right of respondent No.1 to claim the benefit of disability pension.

11. Facts of the other cases also cover the grant of benefit in favour of the respondents in the respective writ petitions. Principle of law cited



hereinbefore also cover the case of respondents for the grant of benefit in their favour.

12. As for CWP-39186-2025, the facts and circumstances differ from the bunch of petitions only to the extent that benefit of rounding off of the disability pension from 20% to 50% has been granted to respondent No.1 along with the arrears admissible for the period starting from 01.05.1998 till 09.10.2009, which grant of benefit has been challenged by petitioner. As far grant of benefit of rounding off of disability pension from 20% to 50%, said issue has already been dealt by hereinbefore by placing reliance upon judgment of **Ram Avtar's** case (supra) and hence, the said grant of benefit to respondent No.1 is correct.

13. As far as the grievance of petitioners qua grant of arrears, it shall be noted that said issue is also squarely covered by the judgment of 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.”

- 14. No other argument has been raised.
- 15. Hence, in the absence of any perversity being pointed out in the impugned order dated 11.07.2025 (Annexure P-7) 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.
- 16. Accordingly, the writ petitions are dismissed.
- 17. Pending application(s), if any, stands disposed of.
- 18. Photocopy of this order be placed on the files of connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

December 24, 2025
harish

Whether speaking/reasoned	Yes
Whether reportable	No