



CWP-37821-2025

2

4. It is conceded fact that at the time when respondent No.1 released from service on 31.03.2003, he had already rendered more than 17 years service with the petitioners-Union of India. It is also a conceded fact that at the time when respondent No. 1 joined the armed forces on 27.03.1986, he was medically examined and was found not to be suffering from any such disease on the basis of which he has been allowed the benefit of disability pension and the said fact has been made the basis by the Tribunal while granting benefit to the respondent No.1 by placing reliance upon ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761***. It is a conceded fact that the said disability has been assessed by the Medical Board to be attributable to military service, hence, the only grievance of the petitioners is qua grant of benefit of rounding off of the disability pension to respondent No.1.

5. With regard to the grievance of petitioners qua the benefit of 'rounding off of disability pension granted to respondent No.1, the same issue has been settled by the Hon'ble Supreme Court of India in ***Ram Avtar's case (supra)***, wherein it has been held that an Armed Forces personnel is entitled to be granted the benefit of rounding off with regard to disability pension, irrespective of the fact that he was invalidated out of service, or retired on attaining the age of superannuation or on completion of his tenure of his engagement, if found to be suffering from some disability which is attributable or aggravated by 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.”*

6. 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)** to the extent that the disability element is to be rounded off and in the present case, the disability of 30% is to be rounded off to 50%.

7. Further, in a recent judgment in **Civil Appeal No.11311 of 2025 titled as Union of India and others vs. Reet MP Singh and another, decided on 01.09.2025**, the Hon’ble Supreme Court of India by placing reliance upon **Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761** as well as **Bijender Singh vs. Union of India and others, 2025 SCC Online SC 895**,

**CWP-37821-2025 4**

has again reiterated that the benefit of rounding off the disability element cannot be denied.

8. Keeping in view the facts and circumstance of the present case as well as the settled principle of law settled in ***Ram Avtar's case (supra)*** as well as ***Reet M.P. Singh's case (supra)***, the benefit of rounding off of the disability element of disability pension from 30% to 50% granted to respondent No.1 as per the said settled principle of law is correct and the same cannot be treated as perverse.

9. Hence, in the absence of any perversity being pointed out in the impugned order dated 25.07.2024 (Annexure P-1) 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.

10. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

December 24, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No