



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

230

CWP-1856-2025

Date of Decision : 05.02.2026

Amarjit Singh**....Petitioner****Versus****Union of India and others****....Respondents**

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

Present: Mr. R.K.Chauhan, Advocate
Mr. Ankush Chauhan, Advocate and
Mr. Vikramjeet Singh, Advocate
for the petitioner.

Ms. Shalini Atri, Senior Panel Counsel (through V.C)
for respondents – UOI.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 05.11.2024 (Annexure P-2) passed by respondent No.2 – Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as ‘the Tribunal), by which, the claim of the petitioner for the grant of pensionary benefit has been declined on the ground of delay.

2. The learned counsel for the petitioner argues that pension is a continuance allowance and a continuing cause of action and therefore, the denial of benefit of pension on the ground of delay, is incorrect. The learned counsel for the petitioner places reliance upon the judgment of the Hon’ble Supreme Court of India in **Civil Appeal No.4100 of 2022** titled as ***M.L.Patil (dead) through LRs vs. State of Goa and another***, decided on 20.05.2022, to



CWP-1856-2025

-: 2 :-

contend that pension is a continuance allowance and the same cannot be dismissed on the ground of delay.

3. The learned counsel for the petitioner submits that once it has already come on record that the disability suffered by petitioner was the reason for discharging the petitioner from service in low medical category, merely that the same has been assessed to be neither attributable to nor aggravated by the military service so as to deny him the grant of disability pension, which view has been accepted by the Tribunal is not incorrect, keeping in view the settled principle of law settled by the Hon'ble Supreme Court of India in ***Dharamvir Singh versus Union of India and others, (2013) 7 SCC 316.***

4. The learned counsel for the respondent – UOI submits that the petitioner should have been vigilant enough to raise the grievance in the prescribed time frame but as the same has been raised after a period of 30 years, the denial of the benefit claim by petitioner by the Tribunal is perfectly valid and the impugned order passed by the Tribunal may kindly be upheld.

5. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

6. It may be noticed that petitioner joined the Armed forces on 08.08.1981 in a fit medical condition. While in service, he suffered from a disability of “*Schizo Affective Psychosis (old)*” which was assessed @30% and ultimately the petitioner was discharged from service on 30.09.1992. However, the petitioner was not granted the benefit of disability element of disability pension on the ground that the said disability is neither attributable



CWP-1856-2025

-: 3 :-

to nor aggravated by the military service.

7. Qua said aspect, it shall be noted that 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 to be 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 Causality Pensionary Awards, 1982' that the said disability has been suffered by the employee during his service career and is, thus, entitled for the benefit of disability pension. The relevant paragraphs of the said judgment 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



-: 4 :-

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 ”

31. XXXX XXXX XXXX XXXX

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.

33. As per Rule 423(a) of General Rules for the purpose of determining a question whether the cause of a disability or death resulting from disease is or is not attributable to service, it is immaterial whether the cause giving rise to the disability or death occurred in an area declared to be a field service/active service area or under normal peace conditions.”

8. Learned counsel for the respondent has not been able to rebut that keeping in view the aforementioned settled principle of law, the petitioner is to be held entitled for the grant of disability pension keeping in view the disability suffered, which disability is to be treated as having been attributable



CWP-1856-2025

-: 5 :-

and aggravated by the military service.

9. Further, with regard to the grievance of respondent qua the benefit of rounding off of disability granted to petitioner, the same issue has been settled by the Hon'ble Supreme Court of India in ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761***, 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



-: 6 :-

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.”

10. 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 ***Ram Avtar’s case (supra)***, has again reiterated that the benefit of rounding off the disability element cannot be denied.

11. It may be noticed that the question regarding the arrears has been settled by 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 the question posed was with regard to limiting of the benefits of admissible arrears to the period of three year wherein the relief of entire arrears 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



-: 7 :-

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.

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.”

12. Learned counsel for the respondent 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)** as well as **Reet MP Singh’s case (supra)** to the effect that percentage of disability is liable to be rounded off and when applied in the present case, disability of 30% is to be rounded off to 50%.

13. Keeping in view the facts and circumstance of the present case as well as the settled principle of law settled in **Dharamvir Singh’s case (supra)**, **Ram Avtar’s case (supra)** as well as **Reet MP Singh’s case (supra)**, the petitioner has rightly been held to be entitled to disability pension by rounding off the disability element from 30% to 50%.

14. Keeping in view the totality of the facts and circumstances of

**CWP-1856-2025**

-: 8 :-

the present case, the order dated 05.11.2024 (Annexure P-2) passed by the Tribunal is to be treated as perverse and cannot be upheld and accordingly, the same is set aside.

15. Accordingly, the writ petition is allowed. The petitioner is held entitled for disability pension from the date of discharge along with arrears, which benefit be released within a period of eight weeks from the date of receipt of the copy of this order.

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

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

February 05, 2026*Varinder*

Whether speaking/reasoned : Yes

Whether reportable : No