2026:PHHC:062612-DB

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

**281** **CWP-3098-2026**
**DATE OF DECISION: 23.04.2026**

**UNION OF INDIA AND OTHERS** **… Petitioners**

**VERSUS**

**EX-SPR RAGHUVIR KUMAR AND ANOTHER** **... Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**
**HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Anil Kumar Sharma, Senior Panel counsel for petitioners-UOI.

Mr. G.S. Ghuman, Advocate for respondent No.1.

****

**HARSIMRAN SINGH SETHI, J. (ORAL)**

In the present petition, the challenge is to the impugned order dated 29.08.2023 (Annexure P-1) passed by respondent-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as the 'Tribunal'), by which the benefit of disability pension and benefit of rounding off of disability element of disability pension from 30% to 50% w.e.f 01.01.2012 has been granted to the respondent along with benefit of arrears.

2. Learned counsel for the petitioners further submits that the benefit of arrears granted to respondent No.1, in pursuance to granting the benefit of rounding off disability pension from 30% to 50%, which has been granted to respondent No.1 for whole of the intervening period, is incorrect in view of the judgment in ***Shiv Dass vs. Union of India and ors., (2007) 9 SCC 274,*** wherein the Hon'ble Supreme Court has explicitly settled that where a claim is raised after a delay, Courts are to restrict the benefit of arrears to 03 years preceding the filing of the original application hence, the grant of disability pension by rounding off @

KUMARI SAPNA
2026.04.29 10.51
I attest to the accuracy and
integrity of this document

50% along with arrears for whole of the intervening period, is incorrect.

3. Mr. G.S. Ghuman, Advocate has filed the power of attorney on behalf of respondent No.1, which is taken on record.

4. We have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

5. With regard to the grievance of petitioners qua grant of benefit of arrears for whole of the intervening period, as per the settled principle of law 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 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, 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 to 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."*

6. Further, the issue of grant of arrears to the army personnel, which issue has been in dispute somewhat, has been settled by the Hon'ble Supreme Court of India in a recently passed judgment in ***Civil Appeal Nos. 6820-6824 of 2018 titled as Union of India through Secretary and others vs. SGT Girish***

KUMARI SAPNA
2026.04.29 10.51
I attest to the accuracy and
integrity of this document

***Kumar and others, decided on 12.02.2026***, whereby the Hon'ble Supreme Court of India has held that " pensionary entitlements partake the character of property and same is neither a bounty nor ex-gratia payment and same cannot be withheld, reduced or extinguished except by authority of law. The Hon'ble Supreme Court of India has further held that UOI has taken a conscious policy decision so as to grant benefit of arrears of disability pension to all eligible ex-servicemen from 01.01.1996 or 01.01.2006 as the case may be, which is clear from para 2 of letter dated 15.09.2014 issued by Deputy Secretary (Pension), Government of India and by letter dated 10.10.2018 issued by Director, Department of Pension and Pensioner's Welfare, wherein also same benefit was granted to all eligible from 01.01.1996 or 01.01.2006, as the case may be. The relevant paragraphs No. 15 to 21 of the judgment in ***SGT Girish Kumar and others' case (supra) are as under:-***

> *"15. Pension, as authoritatively settled by this Court, is neither a bounty nor an ex gratia payment dependent upon the grace of the State. It is a deferred portion of compensation for past service and, upon fulfilment of the governing conditions, matures into a vested and enforceable right. Pensionary entitlements, therefore, partake the character of property, and cannot be withheld, reduced, or extinguished except by authority of law. This principle applies with full vigour to disability pension, which is grounded not merely in length of service, but in the impairment suffered by a member of the Armed Forces in the course of, or attributable to, the service rendered to the nation. The disability pension is not a matter of largesse, but a recognition of sacrifice made in service of the nation.*
>
> *16. The Union of India, as a model employer, is expected to act with fairness, consistency and even-handedness in the administration of benefits conferred upon those who have served the nation. When a benefit is recognised by a policy and affirmed by judicial pronouncement, its application cannot be selective or uneven. The judgment rendered by a three-Judge Bench of this Court in Ram Avtar's case (supra) was a judgment in rem and, therefore, the benefit of same ought to have been extended by Union of India to the eligible ex- servicemen instead of requiring them to file original applications before the Tribunal seeking their entitlement.*

KUMARI SAPNA
2026.04.29 10.51
I attest to the accuracy and
integrity of this document

*17. It is pertinent to note that the Union of India itself had taken a conscious policy decision to pay arrears of disability pension to D.S. Nakara v Union of India, 1983 AIR SC 130, State of Jharkhand & Ors. v. Jitendra Kumar Srivastava & Anr., AIR 2013 SC 3383, Vijay Kumar v. Central Bank of India & Ors., 2025 INSC 848 all eligible ex-servicemen from 01.01.1996 or 01.01.2006, as the case may be. This position is clearly borne out from paragraph 2 of the letter dated 15.09.2014 issued by Deputy Secretary (Pension), Government of India, to Chiefs of Army, Navy and Air Force. The similar intent is also evident from paras 3 and 6 of the letter dated 10.10.2018 issued by Director, Department of Pension and Pensioner's Welfare, Government of India, wherein civilian Medical Officers were granted revised disability benefit from 01.01.1996 or 01.01.2006.*

*18. The aforesaid communications reflect a conscious and deliberate policy choice on the part of Union of India to confer upon all eligible pensioners the benefit of arrears of disability pension with effect from 01.01.1996 or 01.01.2006, as the case may be. In view of decision of this Court in Ram Avtar (supra), the Government of India, by an order dated 18.04.2016, expressly conveyed its approval to the Chiefs of the Army, Navy and Air Force for implementation of the directions issued by the Courts and Tribunals granting the benefit of broad banding of the disability element to Armed Forces Personnel who had retired or were discharged on completion of engagement with disability, attributable to or aggravated by military service, from the date specified in the respective judicial orders.*

*19. The order dated 18.04.2016 was a conscious policy determination taken with full financial concurrence. Thus, where the State itself, by a conscious policy decision, has determined that arrears of disability pension are payable from a specified cut off date, it is not open to it to subsequently resile and contend that such arrears ought to be confined to a period of three years preceding the claim. To permit such a course, would amount to acknowledging the right in principle while denying its substantive content in effect. Any such deprivation of accrued arrears which has become due to ex-servicemen in view of judicial determination as well as policy decision taken by the Union of India itself, would constitute deprivation of property and would amount to infraction of Article 300A of the Constitution of India.*

*20. This Court has, in a consistent line of decisions6, recognised that right to receive disability pension is a valuable right and once found due, the benefit of the same has to be given from the date it became due. The same cannot be curtailed by restricting K.J.S. Bhuttar v. Union of India & Anr., (supra); Davinder Singh v. Union of India & Ors. (supra); Madan Prasad Sinha v. Union of India & Ors.,*

KUMARI SAPNA
2026.04.29 10.51
I attest to the accuracy and
integrity of this document

*(supra); Piyush Bahuguna (Order dated 25.03.2022 passed in Diary No.10713/2021) and Bijender Singh v. Union of India (supra) the benefit to a period of three years preceding the filing of the original application. In the absence of any compelling reason to take a different view, we find no justification to depart from the view consistently taken by this Court.*

*21. The contention advanced on behalf of the Union of India that the claim for arrears of disability pension is barred by Limitation Act, cannot be accepted. The issue with regard to broad banding of disability pension attained finality only on 10.12.2014. Thereafter, Union of India in the order dated 18.04.2016 addressed to Chiefs of Army, Navy and Air Force acknowledged in clear terms that arrears of disability pension were to flow from 01.01.1996 without any curtailment. Therefore, in the facts and circumstances of the case, the contention that the claims of ex-servicemen were barred by limitation does not deserve acceptance."*

7. No other argument is raised.

8. Hence, in the absence of any perversity being pointed out in the impugned order dated 29.08.2023 (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.

9. Accordingly, the writ petition is dismissed.

**(HARSIMRAN SINGH SETHI)**
**JUDGE**

**(DEEPAK MANCHANDA)**
**JUDGE**

**23.04.2026**
**sapna adhikari**

Whether speaking/reasoned : Yes
Whether reportable : No

KUMARI SAPNA
2026.04.29 10.51
I attest to the accuracy and
integrity of this document