



255 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3605-2026

Date of Decision : 04.05.2026

AMARJIT SINGH

.....Petitioner

VERSUS

UNION OF INDIA AND OTHERS

.....Respondents

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

Present: Mr. Ujwal Anand, Advocate for the petitioner.

Mr. Ishank Bansal, Advocate for

Mr. Vibhor Bansal, Advocate for respondent Nos.1 to 4.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 07.02.2022 (Annexure P-1) passed by respondent No.5 – Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as ‘the Tribunal’), by which, the arrears admissible to the petitioner after holding him entitled for the grant of disability pension have been restricted to a period of three years from the date of filing of O.A.

2. The learned counsel for the petitioner submits that the restrictions of the arrears by the Tribunal from said date is contrary to 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 and **Civil Appeal No. 6820-2824 of 2018** titled as “*Union of India through its Secretary and others vs. SGT Girish Kumar and others*”

etc.”, decided on 12.02.2026 and, therefore the restriction put upon the grant of arrears may kindly be modified so as to entitle the petitioner for the grant of arrears from the date of his discharge.

3. The learned counsel for respondents-UII submits that as there was a delay in raising the claim for grant of benefit of disability pension, the benefit of arrears arising out of the same has been restricted which is perfectly valid and legal.

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

5. The issue with regard to the grant of arrears have already been settled by the Hon’ble Supreme Court of India while passing order in **Balbir Singh’s case (supra)**. The relevant paragraph of the said judgment is 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. 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.”

6. Recently again, the same issue has been decided by the Hon’ble Supreme Court of India in ***SGT Girish Kumar’s case (supra)***, whereby it has been held that benefit of arrears is to be given from 01.01.1996 in case of entitlement qua disability pension. The relevant paragraph of the said judgment is 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.

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 exservicemen 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 decisions, 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., (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. Keeping in view the settled principle of law noticed hereinabove, the arrears admissible upon grant of disability pension cannot be restricted. That being so, the order dated 07.02.2022 (Annexure P-1) passed by the Tribunal restricting the arrears is perverse to the settled principle of law.

8. The learned counsel for respondents-UOI has not been able to dispute that as per the settled principle of law noticed hereinabove, whole of the arrears are to be given. Hence, the order dated 07.02.2022 (Annexure P-1) passed by the Tribunal is modified to the extent the arrears admissible to the petitioner will not be restricted and full arrears will be extended to the petitioner starting from 01.01.1996. Let the order be complied with within a period of **eight weeks** from the receipt of the copy of this order.

9. Accordingly, the writ petition is allowed.

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

(HARSIMRAN SINGH SETHI)
JUDGE

04-05-2026
Sapna Goyal

(DEEPAK MANCHANDA)
JUDGE

NOTE: Whether speaking/ reasoned: YES
Whether reportable: NO