



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

**CM-2285-CWP-2026;
RA-CW-79-2026 in/and
CWP-6730-2025
Date of Decision:13.03.2026**

UNION OF INDIA AND OTHERS

....PETITIONER(S)

VERSUS

EX RECT HARJINDER SINGH AND ORS

....RESPONDENT(S)

**CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MS. JUSTICE AARADHNA SAWHNEY**

Present: Ms. Saigeeta Srivastava, Advocate
for the review applicants-petitioners.

Mr. Rajesh Sehgal, Advocate
for the respondents.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-2285-CWP-2026 (delay)

1. This application under Section 5 of the Limitation Act has been filed on behalf of the review applicants-petitioners seeking condonation of delay of 159 days in filing the review application.

2. For the reasons mentioned in the application, the same is allowed and delay of 159 days in filing the review application stands condoned.

Main Case (O&M)

3. The application for review is filed on behalf of the respondents(s)-Union of India stating that the claim of respondents was with regard to 'invalid pension' but it has been decided treating it to be a case of 'disability pension'. It is therefore submitted that reliance could not have been placed upon the judgment of ***Sukhvinder Singh Vs. Union***

of India, (2014) 14 SCC 364 as it was the case arising out of disability pension.

4. Learned counsel for the respondents does not dispute the fact that the controversy was adjudicated by the Armed Forces Tribunal, Regional Branch, Chandigarh (for short, '*Tribunal*') treating it to be a case of invalid pension.

5. It appears that a large number of matters were decided on the same date and, due to oversight, the instant writ petition was dismissed while treating it as case relating to disability pension. An error apparent on the face of the record having been noticed, we **allow** the present review application. The order dated 05.08.2025 passed in CWP-6730-2025 is hereby recalled and the writ petition is restored to its original number and position.

Main Case (O&M)

6. With the consent of the parties, main writ petition is taken on Board for final adjudication since the controversy in respect of invalid pension has been wrongly adjudicated as disability pension.

7. Learned counsel for the parties do not dispute that the nature of dispute raised herein stood adjudicated by judgment of this Court in ***Union of India and others vs. No. 13623914 N. Ex. Sepoy (PTR) Manoj Kumar and Another, CWP No. 21295 of 2025***, decided on 28.07.2025. The judgment passed by this Court in ***Manoj Kumar (supra)*** reads as under *in extenso*:-

“1. The only ground pressed in the present Petition to challenge the impugned judgment of the Armed Forces

Tribunal is that the respondent No.1 was released on account of HIV and there was nothing to show that the disease was contracted during military service.

2. The Policy providing for Invalid Pension is contained in Circular No.12(06)/2019/D(Pen/Pol) dated 16.07.2020 issued by the Government of India, Ministry of Defence. Para 2 of the Policy provides that invalid pension would be admissible to armed forces personnel who are invalid out on account of any bodily injury or mental infirmity which is neither attributable to nor aggravated by military service. Para 2 of the said Policy reads under:-

"2. The proposal to extend the provisions of Department of Pension and Pensioners' Welfare O.M. No.21/01/2016- P&PW(F) dated 12.02.2019 to Armed Forces personnel has been under consideration of this Ministry. The undersigned is directed to state that Invalid Pension would henceforth also be admissible to Armed Forces Personnel with less than 10 years of qualifying service in cases where personnel are invalided out of service on account of any bodily or mental infirmity with is Neither Attributable to Nor Aggravated by Military Service and which permanently incapacitates them from military service as well as civil reemployment."

3. The Policy aforesaid was made applicable w.e.f. 04.01.2019. Para 4 of the Policy insofar as it was made applicable w.e.f. 04.01.2019, has already been set aside by this Court in Union of India and Others Vs. Ravinder Kaushik 2024 SCC Online P&H 11732, relying upon the judgement of the Hon'ble Supreme Court in Civil Appeal No. 16438- 16440/2017 titled as Rect. Mithilesh Vs. Union of India, decided on 27.10.2017 and SLP 20330 of 2011 titled as Union of India Vs. P.A. Thomas, decided on 25.07.2022.

4. Once that be so, we find no ground to interfere in this

Writ Petition and the same is accordingly dismissed.

5. *All pending applications in this case are disposed of accordingly.”*

8. For the reasons recorded in the case of *Manoj Kumar (supra)*, this writ petition fails and is accordingly **dismissed**.

9. All pending miscellaneous application(s), if any, also stand disposed of.

[ASHWANI KUMAR MISHRA]
JUDGE

[AARADHNA SAWHNEY]
JUDGE

MARCH 13, 2026
Rahul Joshi

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| 1. Whether Speaking/reasoned | Yes/No |
| 2. Whether Reportable | Yes/No |