

**CWP-5412 of 2025 (O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CWP-5412 of 2025 (O&M)****Date of Decision: May 19, 2026****Ex-HAV Narender Singh****.... Appellant****Versus****Union of India and others****.... Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI****HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: - Ms. Roopan Atwal, Advocate and
Mr. Rajat Chauhan, Advocate
for the petitioner.

Mr. S. K. Sharma, Senior Panel Counsel
for respondent Nos. 1 to 4.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the order passed by the Armed Forces Tribunal (for short 'the Tribunal') dated 31.07.2024 by which the Original Application filed by the petitioner was dismissed on the ground of delay wherein the relief sought was for grant of disability pension with a further prayer to hold a Re-survey Medical Board to reassess the disability suffered by petitioner which was treated as less than 20%, (11%-14%) for 2 years by the Release Medical Board.

2. Learned counsel for the petitioner submits that for grant of disability pension, delay cannot be taken as a ground to deny such benefit, as pension is to be treated as a recurring cause of action, as same is on character of property.

3. Learned counsel for the petitioner submits that a similar issue came for consideration before the Court where, the direction given for constitution of the Re-Survey Medical Board by the Tribunal vide order dated 09.12.2022 was upheld by this Court by passing an order in **CWP No.34614 of 2024** decided on 15.01.2026 titled as **Union of India Vs. Lt.Col. Anil Kumar Mago (Retd.) and another.**

4. Learned counsel for the petitioner submits that in the aforementioned case, order passed by the Tribunal has granted indulgence so as to allow for constituting a Re-Survey Medical Board despite delay, has already been upheld by this Court and therefore the order passed by the Tribunal in present case, declining indulgence on the ground of delay may kindly be set aside.

5. Learned counsel for the respondent has not been able to rebut the fact that the claim raised to reassess the disability by holding a Re-Survey Medical Board cannot be dismissed on the ground of delay and further the Tribunal in the case of **Lt. Col. Anil Kumar Mago's case (supra)**, had already granted the indulgence in somewhat similar case so as to direct the conduct of Re-survey medical board, which was upheld by this Court.

6. We have heard learned counsel for the parties and have gone through the record with their able assistance.

7. Once, the Armed Forces Tribunal in somewhat similar circumstances in **Lt.Col. Anil Kumar Mago's case (supra)**, has

granted indulgence so as to hold a Re-Survey Medical Board where the delay was almost of 25 years to reassess the disability, the similar relief claimed by the petitioner could not have been dismissed by passing a contrary order.

8. Further, the order passed by Tribunal showing indulgence so as to direct for conducting a Re-Survey Medical Board in **Lt.Col. Anil Kumar Mago’s case (supra)**, had been upheld by this Court in **CWP No.34614 of 2024**, hence the order impugned passed by Tribunal in the present petition is contrary to the settled principle of law in **Lt. Col. Anil Kumar Mago’s case (supra)**, hence, the order passed by the Tribunal is set aside and a direction is given to the respondents to re-constitute the re-survey medical board and thereafter, in case any disability is found, an appropriate action be taken for the grant of disability pension in accordance with the rules governing the said law.

9. The petition stands allowed in above stated terms. Let the said action be taken within a period of eight weeks from the date of receipt of copy of this order.

10. Pending application, if any shall also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

May 19, 2026
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Whether speaking/reasoned	Yes
Whether Reportable	No