IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

115 **CWP-6663-2026**
Date of Decision: 06.03.2026

Union of India and others **....Petitioners**

Versus

Ex. Havildar Ram Niwas and another

...Respondents

116 **CWP-6673-2026**

Union of India and others **....Petitioners**

Versus

Sanjeev Kumar and another

...Respondents

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

Present: Ms. Bhavana Datta, Senior Panel Counsel
for the petitioners in CWP-6663-2026.

Ms. Krishna Dayama, Senior Panel Counsel (through VC)
for the petitioners in CWP-6673-2026.

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Harsimran Singh Sethi, J. (Oral)

1. Both the petitions, the details of which are mentioned in the heading, involve common point of law and common set of facts, hence, they are being dealt together. For the sake of convenience, the facts are being taken from CWP No.6673 of 2026.

2. In the present petition, the challenge is to the impugned order dated 12.08.2024 (Annexure P-1) passed by respondent No.2 – Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal), by which, respondent No.1 has been held entitled to disability

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pension by rounding off disability from 40% to 50% for life w.e.f. 01.07.2019 on the ground that the same is perverse.

3. The only argument raised by learned counsel for the petitioners is that respondent No.1 is neither entitled to the benefit of disability pension, nor for the benefit of rounding off the disability pension from 40% to 50% as the same is contrary to assessment made by Medical Board and the grant of said benefits by Tribunal by placing reliance upon the judgment of the Hon'ble Supreme Court of India in ***Dharamvir Singh versus Union of India and others*, (2013) 7 SCC 316** and ***Union of India and others vs. Ram Avtar*, 2014 SCC Online SC 1761**, is incorrect, and thus, the grant of benefit of disability pension to respondent No.1 by rounding off @50% as against 40% is incorrect and the facts of the present case have not been appreciated in correct perspective by the Tribunal while passing the impugned order dated 12.08.2024 (Annexure P-1).

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

5. It may be noticed that respondent No.1 joined the Armed forces on 15.06.2002 in a fit medical condition. While in service, he suffered a disability of *"Schizophrenia (F-20)"* which was assessed @40% for life and ultimately respondent No.1 was discharged from service on 30.06.2019. However, respondent No.1 was not granted the benefit of disability element of disability pension on the ground that the said disability is neither attributable to nor aggravated by the military service.

6. As per the principle settled by Hon'ble Supreme Court of India in

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Dharamvir Singh's case (supra), which has also been considered by the Tribunal in the impugned order dated 12.08.2024 (Annexure P-1), 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 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 "*

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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 "Genrealised 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."

7. Further, with regard to the grievance of petitioners qua the benefit of rounding off of disability granted to respondent No.1, the same issue has been settled by the Hon'ble Supreme Court of India in ***Ram Avtar's case (supra)***, 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

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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 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."*

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8. 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.

9. Learned counsel for the petitioners has not been able to dispute the said proposition of law having been settled by the Hon'ble Supreme Court of India in ***Dharamvir Singh's case (supra)***, ***Ram Avtar's case (supra)*** as well as ***Reet MP Singh's case (supra)*** to the effect that percentage of disability to be rounded off and when applied in the present case disability of 40% to be rounded off to 50%.

10. 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)***, respondent No.1 has rightly been held to be entitled to disability pension by rounding off the disability element from 40% to 50% w.e.f. 01.07.2019.

11. No other argument has been raised.

12. Hence, in the absence of any perversity being pointed out in the impugned order dated 12.08.2024 (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.

13. Accordingly, the writ petitions are dismissed.

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

15. Photocopy of this order be placed on the file of other connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

March 06, 2026
Varinder

Whether speaking/reasoned : Yes

Whether reportable : No

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