



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

113

CWP-6655-2026

Date of Decision : 06.03.2026

**Union of India and others****....Petitioners****Versus****Ex. Hav Sube Singh and another****....Respondents**

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

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**Present:** Mr. Bhavana Datta, Senior Panel Counsel  
for the petitioners.

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**Harsimran Singh Sethi, J. (Oral)**

1. In the present petition, the challenge is to the impugned order dated 08.05.2023 (Annexure P-1) passed by respondent No.2 – The Armed Forces Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as ‘the Tribunal), by which, the benefit of disability pension has been allowed in favour of respondent No.1 by rounding off the disability element of disability pension from of 20% to 50% w.e.f. 01.05.2009 to 31.12.2015.

2. Learned counsel for the petitioners submits that at the time of discharge from service, respondent No.1 was placed in low medical category and suffered injury “(a) ACL Tear RT Knee (b) Medical Meniscus Tear RT” assessed @20% and held to be attributable to but not aggravated by military service and has already been granted the benefit of disability pension. Hence, the Tribunal has wrongly allowed the benefit of disability pension by rounding off the same in terms of the judgment of *Union of India and others vs. Ram*



**Avtar, 2014 SCC Online SC 1761.**

3. We have heard the learned counsel for the petitioners and have gone through the record with her able assistance.

4. It may be noticed that respondent No.1 enrolled in Army on 27.04.1975 and discharged on 01.05.2009 on completion of his service in low medical category.

5. The 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 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.”*

6. 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.

7. 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 **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 20% is to be rounded off to 50%.

8. Keeping in view the totality of the facts and circumstances, where the Medical Board has already recommended that the injury so suffered by respondent No.1 is attributable to the military service coupled with the fact that after suffering the said injury, the respondent remained in service, which aggravated the injury further, the grant of disability pension by rounding of



the disability element from 20% to 50% w.e.f. 01.05.2009 to 31.12.2015 cannot be treated as arbitrary or illegal.

9. Keeping in view the above totality, the order dated 08.05.2023 (Annexure P-1) passed by the Tribunal cannot be treated as perverse either to 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.

10. Accordingly, the writ petition is dismissed.

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

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

**March 06, 2026**  
*Varinder*

**(VIKAS SURI)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No