



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

109

**CWP-7955-2026 (O&M)
Decided on :17.03.2026**

UNION OF INDIA AND OTHERS

. .Petitioners

Versus

NIRMAL KAUR

. . . Respondent

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

PRESENT: Mr. N. K. Verma, Advocate
for the petitioners.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 06.08.2024 (Annexure P-1) passed by Armed Forces Tribunal, Regional Bench, Chandigarh, (in short, 'the Tribunal') in OA No. 1158 of 2021, by which, the benefit of arrears has been granted to husband of respondent No. 1 after giving him the benefit of rounding off of disability pension @ 20% w.e.f. 01.01.1996 to 31.10.2002 and disability pension @ 50% as against 30% from 01.11.2002 to 31.12.2015.

2. The argument which has been raised by learned counsel for the petitioners is that the benefit of rounding off has been wrongly granted to respondent No. 1 keeping in view the instructions issued by the Government and for the fact that respondent No. 1 had already been granted the benefit of family pension w.e.f. 23.10.2019. Learned counsel for the petitioners further argues that the benefit of life time arrears is to be granted from the year 2016 and not from the year 1996.

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

**CWP-7955-2026 (O&M)**

4. It is a conceded fact that at the time when late husband of respondent was discharged from service on 31.12.1987 upon completion of his term of engagement under Army Rule 13(3) Item III (i), he had already rendered 22 years of service with the petitioners-Union of India. It is also a conceded fact that at the time when late husband of respondent joined the armed forces i.e. 28.12.1965, he was medically examined and was not found suffering from any such disease, on the basis of which, late husband of respondent has been granted the benefit of disability pension.

5. 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 **Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761**, 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.

**CWP-7955-2026 (O&M)**

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. 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)** to the effect that percentage of disability is to be rounded off and in the present case, the disability of 20% is to be rounded off to 50% for life.

7 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)** as well as **Bijender Singh vs. Union of India and others, 2025 SCC Online SC 895**, has again reiterated that the benefit of rounding off the disability element so as to grant the disability pension cannot be denied.

8. As for the grievance raised by learned counsel for the petitioners that the benefit of arrears is to be restricted and the same is to be granted from the year 2016 and not from the year 1996. It should be noted that the said issue of grant of arrears to the army personnel, which issue has been in dispute somewhat, has been settled by the Hon'ble Supreme Court of India in a recently passed judgment in **Civil Appeal Nos. 6820-6824 of 2018 titled as Union of India through Secretary and others vs. SGT Girish Kumar and others, decided on 12.02.2026**, whereby the Hon'ble Supreme Court of India

**CWP-7955-2026 (O&M)**

has held that pensionary entitlements partake the character of property and same is neither a bounty nor ex-gratia payment and same cannot be withheld, reduced or extinguished except by authority of law. The Hon'ble Supreme Court of India has further held that UOI has taken a conscious policy decision so as to grant benefit of arrears of disability pension to all eligible ex-servicemen from 01.01.1996 or 01.01.2006 as the case may be, which is clear from para 2 of letter dated 15.09.2014 issued by Deputy Secretary (Pension), Government of India and by letter dated 10.10.2018 issued by Director, Department of Pension and Pensioner's Welfare, wherein also same benefit was granted to all eligible from 01.01.1996 or 01.01.2006, as the case may be.

9. Furthermore, in view of judgment passed in ***Civil Appeal No.418 of 2012 titled Union of India and ors Vs. Ram Avtar, decided on 10.12.2014*** an order dated 18.04.2016 passed by Government of India also approved for implementation of broad banding of disability element and granting said benefit from date stipulated in judicial orders. In said order, addressed to Chiefs of all forces, it has been clearly stipulated that arrears of disability pension are to flow from 01.01.1996 without any curtailment as the case may be. The relevant paragraphs No. 15 to 21 of the judgment in ***SGT Girish Kumar and others' case (supra)*** are 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,



CWP-7955-2026 (O&M)

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 ex-servicemen 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 decisions⁶, 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.”

10. Being a model employer, the Union has to extend the benefit of disability pension for which the disabled person is entitled to, at the time of relieving him/her from the service concerned on the ground of the said disability.

11. Merely, that the employee has not claimed the benefit admissible to him/her immediately, does not devoid him of the same but when it is claimed, the benefit so admissible to an employee has to be given from the date of his/her entitlement so that such disabled employee does not suffer due to the inaction on the part of the Union in not granting him/her the benefit

**CWP-7955-2026 (O&M)**

admissible earlier.

12. Even, as per the principle of law settled by Hon'ble Supreme Court of India in case titled as **'Balbir Singh Vs. Union of India and Others Civil Appeal No. 3086 of 2012 decided on 08.04.2016'**, the benefit of arrears cannot be restricted and the petitioners cannot be allowed to take the benefit of their own wrong. The relevant paragraph of the said judgment is extracted hereinafter:

“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.”

13. Keeping in view the facts and circumstance of the present case as well as the principle of law settled in **Ram Avtar's case (supra)**, **SGT Girish's case (supra)** and **Balbir Singh's case (supra)** husband of respondent No. 1 is held entitled for grant of arrears from 01.01.1996.



CWP-7955-2026 (O&M)

14. No other argument has been raised.
15. Hence, in the absence of any perversity being pointed out in the impugned order dated 06.08.2024 (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 and the writ petition is accordingly dismissed.
16. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(YASHVIR SINGH RATHOR)
JUDGE

17.03.2026

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Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: ~~Yes~~/No