



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

113**CWP-7666-2026****Date of Decision: 13.03.2026****Union of India and others****....Petitioners****Versus****Tirath Singh and another****....Respondents****117****CWP-7671-2026****Union of India and others****....Petitioners****Versus****Ex Nk. Prithvi Raj and another****....Respondents****118****CWP-7682-2026****Union of India and others****....Petitioners****Versus****Ex Nk. Kamaljit Singh and another****....Respondents**

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

Present: Mr. Rohit Verma, Advocate
for the petitioners in CWP-7666-2026 & CWP-7682-2026.

Dr. Anju Sharma, Advocate (through V.C.)
for the petitioners in CWP-7671-2026.

Harsimran Singh Sethi, J. (Oral)

1. All the petitions, the details of which are mentioned in the



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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.7666 of 2026.

2. In the present petition, the challenge is to the impugned order dated 12.07.2024 (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 benefit of disability pension along with benefit of rounding off of disability pension from 20% to 50% w.e.f. 01.01.1996 to 31.12.2015 on the ground that the same is perverse.

3. The only argument raised by learned counsel for the petitioners is that the Tribunal has wrongly granted the benefit of rounding off the disability pension from 20% to 50% to respondent No.1 by placing reliance upon the judgment of the Hon’ble Supreme Court of India in ***K.J.S. Buttar vs. Union of India, 2011 STPL (Web) 316 SC*** as well as ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761***, thus, the grant of benefit of disability pension to respondent No.1 by rounding off 50% as against 20% 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 12.07.2024 (Annexure P-1). He has further argued that benefit of arrears granted to respondent No.1, in pursuance to granting the benefit of rounding off disability pension from 20% to 50%, which has been granted to respondent No.1 for whole of the intervening period, is incorrect in view of the judgment in ***Shiv Dass vs. Union of India and others, (2007) 9 SCC 274***, wherein the



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Hon'ble Supreme Court has explicitly settled that where a claim is raised after a delay, Courts are to restrict the benefit of arrears to 03 years preceding the filing of the Original Application hence, the grant of disability pension by rounding off @ 50% along with arrears for whole of the intervening period, is incorrect.

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

5. Learned counsel for the petitioners has not been able to rebut that the respondent was already held entitled for the grant of disability pension and was being paid the same keeping in view the fact that the disability of "Hypertension" suffered by respondent No.1 was held to be attributable to the military service, by the Medical Board. The only grievance raised by respondent No.1 was that his disability of 20% is to be rounded off to 50% keeping in view the settled principle of law as well as the instructions issued on the said aspect.

6. It is a conceded position that as per the settled principle of law settled by Hon'ble Supreme Court of India in **Ram Avtar's case (supra)**, any officer serving in the Armed Forces, who had undergone the medical examination at the time of his/her selection and was found fit, subsequently upon suffering a disability, is entitled to the benefit of disability pension by rounding off the same as the presumption would be that the disability suffered is attributable to 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



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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.”*

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)***, has again reiterated that the benefit



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of rounding off the disability element cannot be denied.

8. With regard to the grievance of petitioners qua grant of benefit of arrears for whole of the intervening period, as per the settled principle of law settled by the Hon'ble Supreme Court of India in **Civil Appeal No.3086 of 2012** titled "**Balbir Singh vs. Union of India and others**", decided on 08.04.2016, wherein also the question for consideration was regarding limiting the benefits of arrears admissible for a period of three years, wherein the benefit of arrears for the entire period, as was being claimed by the claimant was granted to the claimant, the Hon'ble Supreme Court of India held as under:

"XXX...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.

We accordingly allow this appeal and modify the order passed by the Tribunal with the direction that the appellant shall be paid service element of the pension with effect from the date the said payment was stopped by the respondents. We however grant to the respondents three months time to calculate and release the arrears in favour of the appellant. In case the needful is not done within the time stipulated, the arrears payable to the appellant shall start earning interest at the rate of 9% from the date the period of three months expires till actual payment of the



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amount.”

9. Further, the 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 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.

10. Furthermore, in view of judgment passed in ***Ram Avtar's case (supra)*** 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's case (supra)*** are as under:-



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“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



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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, 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 exservicemen 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.*



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20. This Court has, in a consistent line of decisions, 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.”

11. 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)*** and ***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% to be rounded off to 50%.



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12. Keeping in view the facts and circumstance of the present case as well as the settled principle of law settled in **Ram Avtar's case (supra)**, **Reet MP Singh's case (supra)**, **Balbir Singh's case (supra)** and **SGT Girish Kumar's case (supra)** the respondent has rightly been held to be entitled to disability pension by rounding off the disability element from 20% to 50% w.e.f. 01.01.1996 to 31.12.2015 along with arrears admissible.
13. No other argument has been raised.
14. Hence, in the absence of any perversity being pointed out in the impugned orders in all the writ petitions 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.
15. Accordingly, the writ petitions are dismissed.
16. Pending application(s), if any, stands disposed of.
17. A photocopy of this order be placed on the file of connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

March 13, 2026
Varinder

Whether speaking/reasoned : Yes
Whether reportable : No