



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

121

CWP-6910-2026

Date of Decision: 09.03.2026

UNION OF INDIA AND ORS

...Petitioners

Versus

NO 6309625, EX SIGMN GIAN DASS AND ANR

...Respondents

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

Present:- Mr. Narender Kumar Vashisht, Senior Panel Counsel,
for the petitioners

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the impugned order dated 13.09.2023 (Annexure P-1) passed by respondent No. 2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which, the benefit of disability pension has been granted to respondent No.1 by rounding off the same @ 50% as against 20% w.e.f. 01.01.1996 and 20% w.e.f. 13.01.974 to 31.12.1975.

2. Learned counsel for the petitioners argues that the disability, which was assessed to be suffered by respondent No.1 by the Re-Survey Medical Board was as NIL on 01.10.1975 i.e., less than 20%. He further submits that even otherwise, the judgment in Civil Appeal No.5605 of 2010, titled as '*Sukhvinder Singh vs. Union of India and others*', decided on 25.06.2014, will not come to rescue of respondent No.1 as was found at the time when he was invalidated out of service, though his disability was



assessed @ 30% for 02 years, but after passing of period of 02 years, the RSMB re-assessed the same as NIL, hence, once at the time of being invalidated out of service, he was granted the benefit of disability pension, the same cannot be continued even though the disability has been assessed as NIL.

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

4. Once, it is a conceded position that when respondent No.1 was recruited by the petitioners on 19.07.1965, he was fit and it was only during his service career, he contacted with disability which led to his invalidity discharge on 19.07.1982 under Army Rule 13(3)III(iii), even if the disability of “Fracture III and IV Metatarsal and fracture Ulna (LT)” assessed as NIL i.e. below 20%, the same has to be deemed @ 20% keeping in view the settled principle of law settled by the Hon’ble Supreme Court of India in ***Sukhvinder Singh’s*** case (supra). The relevant para of the said judgment is as under:-

“11. We are of the persuasion, therefore, that firstly, any disability not recorded at the time of recruitment must be presumed to have been caused subsequently and unless proved to the contrary to be a consequence of military service. The benefit of doubt is rightly extended in favour of the member of the Armed Forces; any other conclusion would be tantamount to granting a premium to the Recruitment Medical Board for their own negligence. Secondly, the morale of the Armed Forces requires absolute and undiluted



protection and if an injury leads to loss of service without any recompense, this morale would be severely undermined. Thirdly, there appears to be no provisions authorising the discharge or invaliding out of service where the disability is below twenty per cent and seems to us to be logically so. Fourthly, wherever a member of the Armed Forces is invalided out of service, it perforce has to be assumed that his disability was found to be above twenty per cent. Fifthly, as per the extant Rules/Regulations, a disability leading to invaliding out of service would attract the grant of fifty per cent disability pension.”

5. A bare perusal of the above would show that in case, the disability is assessed as less than 20% but an officer is being discharged due to low medical category, the said disability is to be presumed @ 20% and on the same analogy, once the disability was more than 20% and an officer has been discharged and granted disability pension, subsequent reduction of the disability will not entitle the Government to withdraw the disability pension even though same has been assessed as NIL, as after getting reduction in disability, even after getting the same assessed as NIL the officer is not being taken back in service. Hence, once the officer remains out of the service, he remains entitled for the disability pension as well, as this would tantamount to choosing of two courses, which are exclusive of each other and cannot go hand in hand.

6. Further, as per the settled principle of law settled by 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.

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. The Hon’ble Supreme Court of India in recent judgment passed in Civil Appeal No.11311 of 2025, decided on 01.09.2025 titled as **Union of India and others vs. Reet MP Singh and another**, that the grant of benefit of rounding off the disability as per *Ram Avtar*’s case (supra) has again been upheld, which fact has gone un-rebutted at the hands of the petitioners.
8. 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 *Sukhvinder Singh*’s case (supra), *Ram Avtar*’s case (supra)and *Reet MP Singh*’s case (supra).
9. No other argument has been raised.
10. Keeping in view the above, the order dated 13.09.2023 (Annexure P-1) passed by the Tribunal is perfectly valid and legal and the same has not been found to be perverse either on facts or the settled principle of law, no ground is made out for any interference by this Court.
11. Accordingly, the writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

March 09, 2026
harish

Whether speaking/reasoned	Yes
Whether reportable	No