



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CWP-7550-2025

Date of Decision: 13.01.2026

UNION OF INDIA AND ORS

...Petitioner

Versus

NO. 9398 WG CDR MS RANDHAWA AND ANOTHER (RETD.) AND
ANR

...Respondents

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

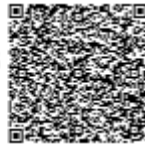
Present:- Ms. Geeta Singhwal, Senior Panel Counsel,
for the petitioners.

Mr. Jasbir Singh, Advocate, for respondent No.1.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the impugned order dated 07.10.2024 (Annexure P-1) passed by respondent No. 2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which, after considering the disability of respondent No.1 is @ 30% on the date of retirement, the benefit of disability pension has been granted as per the judgment of **Dharamvir Singh versus Union of India and others, (2013) 7 SCC 316**, along with granting the benefit of rounding off the disability pension from 30% to 50% as per the judgment of the Hon'ble Supreme Court of India in **Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761**.

2. Learned counsel for the petitioners argues that the benefit of

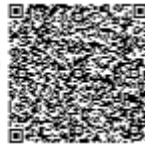


disability pension @ 50% could not have been granted as respondent No.1 had retired from service on completion of his tenure and not due to invalidation from service as his service career was not curtailed due to the low medical category and therefore, grant of benefit of disability pension by the Tribunal is incorrect.

3. Learned counsel appearing on behalf of respondent No.1 submits that as per the settled principle of law, even at the time of completion of tenure, in case an employee suffering the disability which is more than 20%, the grant of disability pension in favour of such employee is admissible and therefore, the grant of the said benefit keeping in view the finding of the Re-Survey Medical Board, wherein the disability of respondent No.1 has been found to be 30%, the benefit of disability pension is admissible and has rightly been granted to respondent No.1 by rounding off the disability from 30% to 50%.

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

5. Once, it is settled principle of law that even an officer, who retires from service but is found to be suffering from disability which is assessed more than 20% and the same is either attributable to the military service or aggravated by the military service, the grant of disability pension is admissible, hence, the grant of the benefit of disability pension to respondent No.1 on the basis of the Re-Survey Medical Board report, wherein, the disability has been found to be 30% attributable to military



service, the findings recorded by the Tribunal cannot be treated as perverse either on fact or settled principle of law.

6. No doubt, when initially respondent No.1 was retired, the disability was assessed at between 15% to 19%, which is less than 20% so as to deny the benefit of disability pension, but once Re-Survey Medical Board re-assessed the disability of respondent No.1 and found the said disability to be 30% instead of 15% to 19%, the claim of respondent No.1 was covered for the grant disability pension, as the disease/disability for which the benefit was being claimed did not exist at the time when he joined the service and he only contracted the said disability during the service period and as per the judgment of the Hon'ble Supreme Court of India in **Dharamvir Singh versus Union of India and others, (2013) 7 SCC 316**, in such cases the benefit of disability pension is admissible. The relevant para Nos. 30 and 32 of the judgment in **Dharamvir Singh's** case (supra) 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

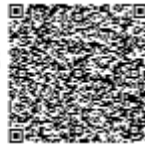


nothing is on the record to suggest that any such record was called for by the Medical Board or looked into it and no reasons have been recorded in writing to come to the conclusion that the disability is not due to military service. In fact, non-application of mind of Medical Board is apparent from 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 Disability is not related to mil service”

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 "Generalised 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.”

7. 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.”

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 *Dharamvir Singh’s* case (supra) and *Ram Avtar’s* case (supra).
9. No other argument has been raised.
10. Hence, in the absence of any perversity being pointed out in the impugned order dated 07.10.2024 (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.
11. Accordingly, the writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

January 13, 2026

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Whether speaking/reasoned	Yes
Whether reportable	No