



CWP-7814-2026

1

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

(115)

CWP-7814-2026

Date of Decision : March 16, 2026

Union of India and others

.. Petitioners

Versus

Ex.- NK Ram Kumar and another

.. Respondents

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

Present: Ms. Neha Jain, Senior Panel Counsel, for the petitioners-UOI.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the challenge is to the impugned order dated 21.02.2019 (Annexure P-6) passed by respondent No.2-Armed Forces Tribunal, Regional 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 @ 50% w.e.f. 25.06.2014, which was assessed at less than 20% (15%-19%) on the ground that the same is perverse.

2. Learned counsel for the petitioners submits that the respondent No.1 joined the service on 20.08.1994 and was discharged from service on 31.03.2012 under Army Rule 13 (3) III (iv) of the Army Rules in low medical category E (Temporary) and his disability was assessed as less than 20% and therefore, as the disability was not assessed upto 20% which is a must and condition precedent for the grant of disability pension keeping in view the governing regulations, the Tribunal exceeded its jurisdiction while granting the said relief to respondent No.1 along with benefit of rounding



CWP-7814-2026

2

off while placing reliance on the judgments in ***Civil Appeal No.5605 of 2010 titled as Sukhvinder Singh vs. Union of India and others, decided on 25.06.2014*** and ***Civil Appeal No.418 of 2012 titled as Union of India and others vs. Ram Avtar, decided on 10.12.2014.***

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

4. On being asked whether, with the disability from which respondent No.1 suffered, the personnel concerned could have continued in service performing the duties without any hinderance, learned counsel for the petitioners has not been able to rebut that with the said disability, the officer could not have continued in service. Once, the officer concerned could not continue in service due to the aforementioned disability, the only option was that either he should be invalidated out of service or the officer should get relieved from service. Once, the reason for being relieved from service is the disability incurred during the service period, the claim of the petitioner that the benefit of disability pension could not be granted to respondent No.1, cannot be accepted. The injury is the basis for being relieved from service, which injury is concededly attributable to the military service.

5. As per the judgment in ***Sukhvinder Singh's case (supra)***, the injury, which led to being invalidated from service is assessed at less than 20%, for the purpose of the grant of disability pension, the same has to be treated as a minimum of 20%. The relevant paragraph of the 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 appear to be no provisions authorizing the discharge of invaliding out of service where the disability is below 20 percent and seems to us to be logically so.

Fourthly, whenever 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 20%.

Fifthly, as per the extant Rules/Regulations, a disability leading to invaliding out of service would attract the grant of fifty percent disability pension.”

6. Further, as per the principle of law settled by the Hon’ble Supreme Court of India in ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761***, and upheld in ***Union of India and others vs. Reet M.P. Singh and another, decided on 01.09.2025***, any disability assessed @ 20%, is to be rounded off to 50%, which settled principle of law, has not been rebutted by the learned counsel for the petitioners.

7. Keeping in view the totality of the circumstances, the impugned order dated 21.02.2019 (Annexure P-6) passed by the Tribunal,

**CWP-7814-2026****4**

keeping in view the facts and circumstances of the present case coupled with the settled principle of law, has not been shown to be perverse in any manner. Hence, no ground is made out for any interference by this Court in the facts and circumstances of the present case and the present petition is accordingly dismissed.

8. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

March 16, 2026
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No