



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

109

CWP-8229-2026

Date of Decision: 25.03.2026

UNION OF INDIA AND ORS

...Petitioners

Versus

JC 139600 SUBEDAR MAJOR (HONY CAPT) RAM KUMAR (RETD)
AND ANR

...Respondents

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

Present:- Ms. Sehej Sandhawalia, Senior Standing Counsel,
for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the order dated 16.11.2022 passed by the respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh (in short, 'the Tribunal'), by which the benefit of war injury pension has been granted to respondent No.1.

2. Learned counsel for the petitioners has argued that though, it is a conceded fact that the injury suffered by respondent No.1 is to be treated as a war injury, but on account of such injury, two options were available with respondent No.1, either to take lump sum compensation or a war injury pension and in the present case, as respondent No.1 had opted for lump sum compensation, which was awarded, later on, the claim for other option could not have been raised to be entertained by the petitioners-UOI, which fact has been ignored by the Tribunal while granting the war injury pension.

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



4. It may be noticed that the same issue was raised by the Union of India in CWP-5628-2010, titled as ‘*Pawan Singh vs. Union of India nad others*’ decided on 10.08.2010, where the Tribunal had declined to interfere with regard to re-option of a soldier, who had taken the lump sum compensation so as to be granted the war injury pension later on, this Court held that once the war injury pension was admissible, merely that other option was exercised, will not be barred to reconsider the fact so as to opt for disability pension. The issue raised in the present petition is squarely covered by the said decision in *Pawan Kumar’s* case (supra).
5. Again the same issue was raised by the Union of India in LPA-117-2011, titled as ‘*Union of India and others vs. Ex. Constable Jaswant Singh (deceased) through his legal representatives*’, decided on 12.12.2012, wherein also the similar view was taken by this Court.
6. Once, the order passed by the Tribunal is in consonance with the settled principle of law noted hereinbefore, no ground is made out for any interference by this Court. Accordingly, the writ petition is dismissed.
7. Pending applications, if any, also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

March 25, 2026
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Whether speaking/reasoned	Yes
Whether reportable	No