



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

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CWP No.8449 of 2025 (O&M)

Date of Decision: 08.04.2026

UNION OF INDIA AND OTHERS

.....Petitioners

Versus

COL SARABJIT PAL SINGH (RETD) AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Ms. Bhavana Datta, Advocate,
Senior Panel Counsel
for the petitioners-UOI.

Mr. Mansangat Singh Kohli, Advocate and
Ms. Riya Khanna, Advocate,
for respondent No.1.

Service upon respondent No.2 is dispensed with being Tribunal
vide order dated 30.09.2025.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 15.02.2024 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal') by which, the benefit of disability pension @ 40% by rounding off @ 50% w.e.f. 07.09.2020 for life has been granted in favour of respondent No.1.

2. Learned counsel for the petitioners-UOI submits that initially, when respondent No.1 superannuated from service on 30.11.2006, he was assessed as having disability from 15% to 19% for life due to blunt injury in the right eye suffered during the service. She further submits that though, a



Release Medical Board was constituted and in the said board, the injury was assessed at 40% for life, however, the first report of medical board should be taken into account to decide the eligibility for the grant of the disability pension ignoring the subsequent report of the Re-Survey Medical Board (for short 'the RSMB').

3. Learned counsel for respondent No.1 submits that once the initial medical report of assessment of the injury suffered by respondent No.1 during the active service was assessed between 15% to 19% but the RSMB assessed the same at 40% for life, the report of RSMB has to be taken into account to ignore the first medical report. He further submits that the decision of the Tribunal to grant the benefit of the disability pension keeping in view the facts and circumstances of the present case is perfectly valid and legal and writ petition may kindly be dismissed.

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

5. The question which has been posed before this Court is as to whether, the first medical report which assessed the disability at between 15% to 19% should be taken into account or the report of the RSMB which assessed the disability at 40% for life should be taken into account for assessing the entitlement of respondent No.1 for the grant of disability pension.

6. It may be noticed that the injury suffered while in service is a blunt injury in the right eye, which means that the injury was caused by an accident. The said injury will not increase or decrease by lapse of time. Once, the same injury has been assessed as having caused disability of 40% for life to respondent No.1, it has to be treated that the first report was not correct so as to deny the benefit of disability pension. Once, the RSMB has



assessed the disability more than 20% and that too for life, keeping in view the injury suffered during the service, the same has to be read having been existing at the time of superannuation as well, when respondent No.1 superannuated in November, 2006. Keeping in view the totality of the facts and circumstances, the view taken by the Tribunal to grant the benefit of disability pension based upon the report of the RSMB which assessed the disability at 40% for life, cannot be treated as incorrect or perverse. Keeping in view the facts and circumstances of the case, no ground is made out for interference. Hence, the present petition is dismissed.

7. Miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

08.04.2026
sandeep

Whether Speaking/Reasoned :	Yes
Whether Reportable :	No