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

(113) CWP-8911-2026
Date of Decision : March 24, 2026

Union of India and others .. Petitioners

Versus

Armed Forces Tribunal, Chandigarh and another .. Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Naveen Gupta, Sr. Panel Counsel, for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 12.02.2025 (Annexure P-1), passed by the Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal), by which, directions were given to the Union of India (petitioners herein) to grant benefit of service pension to the respondent No.2 by considering his service as 15 complete years by condoning shortfall of 214 days in qualifying service period for grant of benefit of service pension as per the judgment in Original Application No.1238 of 2016 with MA No.923 of 2016 decided on 01.10.2019 titled *Smt. Shama Kaur vs. Union of India and others*, which judgment has also been implemented.

2. Learned counsel for the petitioners has brought to the notice of this Court in judgment passed by Delhi High Court wherein similar relief has been granted to armed forces personnel by placing reliance upon the judgment in *Shama Kaur's case (supra)*. Learned counsel for the

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petitioners further submits that against the said judgment, SLP (C) No.27725-2024 was filed, wherein the Hon'ble Supreme Court of India has stayed the operation of said judgment, hence, once operation of said judgment granting similar relief to similar employees has been stayed, till the same attains finality, grant of benefit of condonation in completion of qualifying service to respondent No.2 be stayed.

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

4. It is a conceded fact that respondent No.2 enrolled in Indian Army on 01.08.1987 and was discharged on 31.07.2004 after completing 17 years of service thereafter he was re-enrolled in Defence Security Corps (DSC) for second service on 30.07.2009 and was discharged from DSC on 31.12.2023 after rendering 14 years, 05 months and 01 day having shortfall of 214 days to qualify the term of 15 years for the grant of service pension qua service rendered in DSC.

5. The issue which has been raised is whether, the benefit of condonation of shortfall in qualifying service to the extent of 214 days so as to make the respondent No.2 eligible for the grant of second service pension can be granted in favour of an officer, who retired prior to the completion of 15 years of mandatory service which is a condition precedent for grant of such benefit. The prayer of the petitioners is that the respondent is claiming the benefit of second pension for the service he rendered in the Defense Security Corps (DSC) wherein, 15 years of service, completion of which service period is a condition precedent for grant of second service pension was not fulfilled.



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6. It may be noticed that the said issue came up for consideration before the Principal Bench of the Armed Force Tribunal in ***Shama Kaur's case (supra)***, wherein the benefit of condonation of the shortfall in completion of qualifying service period upto 12 months was allowed, which judgment has already attained finality and the same benefit had been extended in ***Shama Kaur (supra)*** and even the learned counsel for the petitioners has conceded the fact that the issue raised in the present petition was decided in favour of respondent No.2 on the basis of the judgment in ***Shama Kaur's case (supra)***, wherein the similar relief had already been granted and which judgment has already attained finality upto Hon'ble Supreme Court of India and the said judgment stands implemented. Further, the Coordinate Bench of this Court while deciding **CWP-8886-2025** decided on 24.04.2025 titled ***Union of India and others vs. Ex. Naik Kuldeep Singh***, after noticing the said fact, have decided the claim based upon ***Shama Kaur's case (supra)***, wherein also, the fact that the same was covered by ***Shama Kaur's case (supra)***, could not be rebutted.

7. As for the argument raised by the learned counsel for the petitioners that operation of judgment passed by the Delhi High Court, granting benefit of condonation in qualifying service, by relying upon judgment in ***Shama Kaur's case (supra)***, has been stayed, it should be noted that the decision of the Hon'ble Supreme Court of India in ***Union of India vs. Balakrishnan Mullikote***, attached with SLP (C) No.27725-2024, attained finality whereby the Hon'ble Supreme Court of India has allowed the benefit of condonation in qualifying service even upto a period of 01 year and 03 months by taking into consideration all the rules and

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regulations governing said aspect and the law already settled qua said issue. Once, the Hon'ble Supreme Court of India has granted the benefit of condonation in qualifying service upto 01 year and 03 months, which judgment has now attained finality after taking the same into consideration, the occasion of denying the benefit to respondent No.2 does not arise as he only needed 214 days condonation to be eligible for the grant of pension.

8. Keeping in view the totality of the circumstances as well as the settled principle of law as noticed hereinbefore, as it has not been shown that the order dated 12.02.2025 (Annexure P-1) passed by the Tribunal is perverse either to the facts on record or settled principle of law, no interference at the hands of this Court is needed.

9. The present writ petition is dismissed.

10. Pending applications, if any, also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

March 24, 2026*harsha*

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No