



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

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**CWP-8524-2026 (O&M)
Date of Decision :30.03.2026**

Union of India and others**... Petitioners****Versus****Ex. L/NK Ramesh Chand and another****... Respondents**

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

Present: Mr. Ashish Chaudhary, Senior Panel Counsel
for the petitioners-UOI.

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HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 30.05.2019 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal') by which, the directions were given to the Union of India (petitioners herein) to grant the benefit of rounding off and the benefit of disability pension @ 75% as against 50% for life along with benefit of service element of disability pension which was denied by the petitioners.

2. The only argument which has been raised is that respondent No.1 cannot be held entitled to the benefit of service element of disability pension as he was already in receipt of service pension for the service rendered by him before rendering service in DSC.

3. The learned counsel for the petitioners further submits that in case an Armed Force Member has rendered service in the Defence Security Corps (DSC), a minimum service of 15 years is required to earn the benefit of



service pension, whereas, respondent No.1 had rendered only 10 years of service with the DSC whereafter, he was not granted further extension of service, which aspect shall be enough to deny him the benefit as has been granted by the Tribunal by placing reliance upon in ***OA-146-2010 titled as Parbu Ram Versus Union of India and others, decided on 23.04.2010*** and ***Civil Appeal No.418 of 2012, Union of India and others Versus Ram Avtar, decided on 10.12.2014.***

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

5. It is conceded fact that at the time when respondent No.1 was discharged from service i.e. on 30.11.2010, he had rendered 12 years and 286 days of service with the DSC, petitioner-Union of India. He was found suffering from “*Primary Hypertension and Impaired Glucose Tolerance*” and *P2 (Temp-24) with effect from 02.06.2010 for disability “Right Impetected Upper Ulectric Calculus*” and disability was 50% which was held to be aggravated by military service and benefit of service element of disability pension was granted and benefit of service element was denied.

6. As per order dated 30.05.2019 (Annexure P-1) passed by the Tribunal, respondent No.1 once held entitled for the benefit of disability pension at the time of discharge in 2010, he is entitled to benefit of rounding off as per policy of Government of India and law settled by the Hon’ble Supreme Court of India in ***Ram Avtar’s case*** (supra), wherein it has been held that any officer serving with the Military, who had undergone the medical examination at the time of enrollment and was found fit, is subsequently found to be suffering with a disability is entitled to the benefit of disability pension as the presumption would be in favour of such an employee that the disability



suffered during the service is attributable to the Military service by rounding off the said percentage of disability, the relevant paragraph of the said judgment is 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.”

7. Further, in a recent judgment in **Civil Appeal No.11311 of 2025** titled as **Union of India and others vs. Reet MP Singh and another, decided on 01.09.2025**, the Hon’ble Supreme Court of India by placing reliance upon **Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761**, has again reiterated that the benefit of rounding off the disability element cannot



be denied.

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 ***Ram Avtar's case*** (supra) to the effect that percentage of service element of disability pension is to be rounded off and when applied in the present case, 50% is to be rounded off to 75%.

9. Further, with regards to the grievance raised that respondent No.1 had served in the DSC for 12 years and 286 days and is not entitled for the disability pension, it is relevant to refer to a verdict rendered by the learned Tribunal concerned in case Original Application No.324 of 2016 titled as *Om Parkash Guleria Vs. Union of India and others, decided on 10.08.2018*, wherein a similar question was put forth before the Tribunal concerned, that ***'whether the applicant who was in receipt of army pension at the time of his re-enrollment in the DSC, is entitled to the disability pension in the DSC service also?'*** The learned Tribunal concerned after considering the relevant regulations observed that in terms of Regulation 179 of the Pension Regulations for the Army, 1961, the applicant was entitled to disability pension consisting of service element as well as disability element. Further, the Tribunal also observed that the mere fact that the applicant was in receipt of pension of his first spell of Army service does not disentitle him to become an able recipient of the component of disability pension thus for the second spell of service in the DSC. The said verdict was challenged by the Union of India before the Hon'ble Supreme Court and the same was upheld by the Apex Court in its verdict rendered in case titled as ***Union Of India & Ors. Vs. Om Prakash Guleria, decided on 27.08.2021***, to which Civil Appeal No. (Diary No. 9346 of 2021) became assigned. The relevant paragraphs, as occur in the



said verdict are extracted hereinafter.

*“2. Besides the delay of 515 days in filing the appeal, which has not been satisfactorily explained, even on merits, we find no error in the judgment dated 10 August 2021 of the Armed Forces Tribunal. **The Tribunal has correctly construed the provisions of the pension regulations and the ultimate conclusion, entitling the respondent to the service element of the disability pension and the benefit of rounding off, does not suffer from any error.***

3. The Civil Appeal is, therefore, dismissed on the ground of delay as well as on merits.”

10. Further, the learned counsel for the petitioners is confusing between the terms “service element” and “service pension”. In the former there is no requirement of rendering a minimum period of service whereas, in order to attain the benefit of service pension one has to render a minimum period of qualifying service. In the present case, the benefit being sought is of service element which as per the rules/regulations governing service do not require 15 years of qualifying service, which is being brought into play by the learned counsel for the petitioners so as to deny the benefit of service element.

11. Keeping in view the facts and circumstances of the present case as well as the settled principle of law in **Ram Avtar’s case** (supra); **Reet MP Singh’s case** (supra) as well as **Om Prakash Guleria’s case** (supra) the benefit of service element and disability pension along with benefit of disability pension at 75% as against 50% by rounding it off, was rightly extended.

12. Hence, in the absence of any perversity being pointed out in the impugned order dated 30.05.2019 (Annexure P-1) either on the basis of the



facts on record or the settled principle of law, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

13. No other argument has been raised.
14. Accordingly, the writ petition is dismissed.
15. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

30.03.2026
Sandeep

Whether speaking/reasoned : Yes
Whether reportable : No