

2026:PHHC:044278-DB



CWP-8525-2026 (O&M)

Date of Decision: 20.03.2026

Union of India and others

...Petitioners

Vs.

No.1269358K Ex. Gnr (TA) Sukhjit Singh and another ...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Ashish Chaudhary, Sr. Panel Counsel for the petitioners.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This petition assails the order dated 17.12.2008, passed by the Armed Forces Tribunal in OA No.290 of 2017, whereby the claim of the respondent for grant of disability element of disability pension, has been allowed.

2. The same controversy fell for consideration before the Division Bench of this Court in **Union of India and others vs. Jasvir Singh and another**, CWP-28408-2025, decided on 22.09.2025, wherein the Division Bench after relying upon the judgment of the Hon'ble Supreme Court in **Dharamvir Singh vs. Union of India and others (2013) 7 SCC 316**, **Union of India and others vs. Reet MP Singh and another** Civil Appeal No.11311 of 2025, decided on 01.09.2025, and **Union of India and others vs. Ram Avtar, 2014 SCC OnLine SC 1761**, has held as under:-

“9. Keeping in view the facts and circumstance of the present case as well as the settled principle of law settled in Dharamvir Singh’s case (supra), Ram Avtar’s case (supra) as well as Reet MP Singh case (supra), once at the time of enrolment, respondent No.1 was medically examined and was found to be fit in all respects and it was only during the course of his service period that respondent No.1 was found to be suffering from ‘DUPLEX KIDNEY (RT) (OPTD)’, that being so, the said disability has to be attributed to the military service and the unsubstantiated report of Medical Board cannot take away the right of respondent No.1 to claim the benefit of disability pension and that too, by rounding off the disability from 40% to 50%.

10. Hence, in the absence of any perversity being pointed out in the impugned order dated 24.04.2023 (Annexure P-1) either on the basis of the facts 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 and the writ petition is accordingly dismissed.”

3. That being the case, the instant writ petition is also dismissed in same terms as in Jasvir Singh case (supra).
4. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

20.03.2026
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| 1. Whether speaking/reasoned? | : | Yes/No |
| 2. Whether reportable? | : | Yes/No |