



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

125

CWP-8791-2026

Date of Decision : 23.03.2026

Union of India and others

....Petitioners

Versus

Ex. Naik (TS) Malkiat Singh and another

....Respondents

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

Present: Ms. Neha Jaggi, Senior Panel Counsel
for the petitioners.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 15.05.2023 (Annexure P-1) passed by respondent No.2 – The Armed Forces Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as ‘the Tribunal), by which, the petitioners have been directed to decide the case of respondent No.1 with regard to conduct of medical board superior than re-categorization medical board and decide on grant of disability pension.

2. Learned counsel for the petitioners submits that the direction given by the Tribunal by the impugned order is not correct and, therefore, the order dated 15.05.2023 may kindly be set aside.

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

4. The direction which has been given, as impugned in the present



writ petition, is as under:-

“3. We therefore, allow this application with the direction to the respondent to constitute a Medical Board higher than the Re-categorization Medical Board which has categorised the disability incurred upon by the applicant as CEE (Permanent) within three months from the date of receipt of certified copy of this order by learned Sr.P.C/OIC Legal Cell. In case in view of the proceedings of the Re-categorisation. Board/Re-assessment Board so constituted the applicant is held entitled to the pension to consider his claim for the grant thereof in view of the law laid down by the Hon’ble Apex Court in **Dharamvir Singh Vs. UOI and others (2013) 7 SCC 316 and Sukhvinder Singh Vs. UOI and others**, and also as per the policy(s) in existence. In case the disability pension is granted to the applicant, no reason is required to be recorded, however in case the authority do not consider such claim as admissible to record the reasons and pass a speaking order affording opportunity of being heard to the applicants also, if so required.”

5. A bare perusal of the above would shows that the constitution of the Medical Board was done so as to find out the actual facts, which direction has not been implemented by the respondent for the last three years and rather has been challenged in the present petition.

6. Once, only direction given is to constitute the Re-assessment Medical Board to find out as to whether any disability has been suffered by respondent No.1, no ground is made out for any interference by this Court in



CWP-8791-2026

-: 3 :-

the facts and circumstances of the present case.

7. Accordingly, the writ petition is dismissed.
8. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

March 23, 2026
Varinder

Whether speaking/reasoned : Yes
Whether reportable : No