

CWP-8926-2026

1

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

(114)

CWP-8926-2026

Date of Decision : March 24, 2026

Union of India and others

.. Petitioners

Versus

Lt. Col V.S Marwaha (Retd.) and another

.. Respondents

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

Present: Mr. Vishal Garg, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the impugned order dated 11.07.2024 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Chandigarh, (hereinafter referred to as 'the Tribunal') by which, respondent No.1 has been allowed the benefit of rounding off of the disability element of disability pension @ 50% as against 30% w.e.f. 01.04.2003 to 31.12.2015 on the ground that the same is perverse.

2. Learned counsel for the petitioners places reliance upon the report of medical examination of respondent No. 1 to contend that though the disability of "*Primary Hypertension*" as assessed @ 30% has been found in respondent No.1, but he has been discharged from service on 31.03.2003 in low medical category on completion of his terms of engagement under Army Rules. Hence, the grant of benefit of rounding off of the disability element @ 50% as against 30% w.e.f. 01.04.2003 to 31.12.2015 by placing reliance upon the judgment of in ***Civil Appeal No.***



CWP-8926-2026

2

5591-2006 titled as KJS Buttar vs. Union of India and another, decided on 31.03.2011 and Civil Appeal No.418-2012 Union of India and others vs. Ram Avtar, decided on 10.12.2014 is incorrect and the facts of the present case have not been appreciated in correct perspective by the Tribunal while passing the impugned order dated 11.07.2024 (Annexure P-1).

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

4. It is conceded fact that at the time when respondent No.1 was discharged from service on 31.03.2003 on completion of his terms of engagement under Army Rules, he had already rendered 34 years of service with the petitioners-Union of India. It is also a conceded fact that at the time when respondent No. 1 joined the armed forces i.e. 15.06.1969, he was medically examined and was not found suffering from any such disease.

5. With regard to grievance of the petitioners qua grant of benefit of rounding off of disability element, as per the settled principle of law settled by Hon'ble Supreme Court of India in **Ram Avtar's case (supra)**, it has been held that an Armed Forces personnel is entitled to be granted the benefit of rounding off with regard to disability pension, irrespective of the fact that he was invalidated out of service, or retired on attaining the age of superannuation or on completion of his tenure of his engagement, if found to be suffering from some disability which is attributable or aggravated by the Military service. Relevant paras of the judgment in **Ram Avtar's case (supra)** are as under:-

“4. By the present set of appeals the appellant(s) raise the question, whether or not, an individual, who



CWP-8926-2026

3

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.*

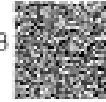
7. *The dismissal of these matters will be taken note of by the High Courts as well as by the Tribunals in granting appropriate relief to the pensioners before them, if any, who are getting or are entitled to the disability pension.”*

6. The Hon’ble Supreme Court of India in recent judgment passed in ***Civil Appeal No.11311 of 2025 decided on 01.09.2025 titled as Union of India and others vs. Reet MP Singh and another***, the grant of benefit of rounding off the disability as per ***Ram Avtar’s case (supra)*** has again been upheld, which fact has gone un-rebutted at the hands of the petitioners.

7. Keeping in view the facts and circumstances of the present case as well as settled principle of law settled in ***Ram Avtar’s case (supra)*** and ***Reet MP Singh’s case (supra)***, claim of respondent No.1 for the benefit of rounding off of the disability from 30% to 50% has rightly been allowed by the Tribunal.

8. No other argument has been raised.

9. Hence, in the absence of any perversity being pointed out in the impugned order dated 11.07.2024 (Annexure P-1) either on the basis of the

**CWP-8926-2026****4**

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.

10. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

March 24, 2026
harsha

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No