

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

212

CWP-9161-2025

DATE OF DECISION: 10.04.2026

**NAIK MISHRA RAMESHWARPRASAD  
DAYASHANKER**

... Petitioner

**Versus****ARMED FORCES TRIBUNAL, REGIONAL  
BENCH AT CHANDIMANDIR CANTONMENT  
AND OTHERS**

... Respondents

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

Present: Mr. Naman Jain, Advocate for the petitioner.

Mr. H.S. Sandhu, Advocate for  
Mr.B.S. Khaira, Advocate for respondent-UOI.

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**HARSIMRAN SINGH SETHI, J. (ORAL)**

The present petition has been filed challenging the order dated 10.10.2024 by which he has been discharged from service and consequent order dated 20.02.2025 (Annexure P-1) passed by Armed Forces Tribunal (for short – the 'Tribunal') by which claim of respondent No.1 for benefit of disability pension upon his discharge from service has been declined.

2. Learned counsel for the petitioner argues that though, before the Tribunal, the order of discharge dated 10.10.2024 was challenged on the ground the same has been passed without conducting the Release Medical Board to prove that the petitioner was in a low medical category but even if it assumed that the said discharge is valid keeping in view the low medical category, then also the respondents were under an obligation to grant the benefit of disability pension which has not been done and the Tribunal has failed to appreciate the said fact.



3. Learned counsel for the respondents submits that once only the order of discharge dated 10.10.2024 was challenged, which was upheld by the Tribunal vide impugned order dated 20.02.2025 (Annexure P-1) and as there was no other prayer in the OA for the grant of benefit of disability pension, the same could not have been adjudicated.

4. We have heard learned counsel for the parties and have gone through the record with their able assistance.

5. A bare perusal of the order of discharge dated 10.10.2024 would show that the petitioner was discharged from service due to the low medical category as he was not able to discharge the duties in a manner required. Further, it is a matter of fact and as per the rules also that upon discharge from service on low medical category benefit of disability pension can only be allowed in case, the disability is assessed at more than 20%. Even if, the disability is assessed @ less than 20% and the soldier needs to be discharged from service, as per the judgment of the Hon'ble Supreme Court of India in Civil Appeal No.5605 of 2010, decided on 25.06.2014 titled "*Sukhwinder Singh Vs. Union of India and others*", the said disability is to be treated as 20% so as to enable such discharged officers to get the benefit of disability pension.

6. In the present case, even if, the discharge from service on the low medical category was upheld by the Tribunal, then also, it becomes the duty of the Tribunal to direct the State to grant the benefit of disability pension. Even if, the same is not claimed but once it is a matter of fact that despite being discharged from service on a low medical category the benefit of disability pension is not being granted, it becomes the duty of the Court to give the entitled benefit keeping in view the totality of the circumstances.

7. Though, in the present case, the order of discharge is upheld but, as



per the discharge order, which was based upon the low medical category, which disability has to be treated as attributable to the military service as per the judgment in *Dharamvir Singh vs. Union of India and others, (2013) 7 SCC 316*, the petitioner is held entitled for the grant of disability pension from the date he was discharged along with arrears. Let the respondent be paid disability pension to the petitioner as directed hereinbefore, within a period of eight weeks from the receipt of copy of this order. It is made clear that upon grant of arrears, the petitioner will also be entitled for interest @ 6% per annum from the date of discharge till the actual payment.

8.           Petition stands disposed of in abovesaid terms.

(HARSIMRAN SINGH SETHI)  
JUDGE

(DEEPAK MANCHANDA)  
JUDGE

10.04.2026  
sapna adhikari

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|---------------------------|---|-----|
| Whether speaking/reasoned | : | Yes |
| Whether reportable        | : | No  |