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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10016-2026

Date of Decision : 06.04.2026

UNION OF INDIA AND OTHERS

.....Petitioners

VERSUS

VINOD KUMAR AND ANOTHER

.....Respondents

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

Present: Mr. Ravi Sodhi, Senior Panel Counsel with
Mr. Arshad Ali, Central Government Counsel
for the petitioners-Union of India.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 05.04.2024 (Annexure P-1) passed by respondent No.2 – Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as ‘the Tribunal), by which, benefit of War Injury pension @ 20% to be rounded off to 50% w.e.f. 01.01.2023 has been granted in favour of respondent No.1.

2. Learned counsel appearing on behalf of the petitioners submits that, keeping in view the facts and circumstances of the present case, the grant of benefit of war injury pension to respondent No.1 is not covered as though, the officer received the injury “**MEDIAL MINISCUS TEAR WITH GD-IV OSTEOCHONDRAL DFFECT MEDIAL FEMORAL CONDYLE (LT) KNEE (OPTD)**” in *Operation Rakshak*, but it was received due to an ambush in said area hence, the same cannot be treated as battle causality/injury so as to grant him the benefit of

War Injury Pension. Learned counsel for the petitioners further argues that even though the injury suffered by the respondent No. 1 has been treated to be attributable to the military service, the benefit of war injury pension cannot be granted to the respondent No. 1 as, the grant of the said benefit is contrary to the instructions, which have been issued by the Government of India, circulated vide letter dated 31.01.2001.

3. Learned counsel for the petitioners places reliance upon the report of medical examination of the respondent No. 1 to hold that though the injuries of ***“MEDIAL MINISCUS TEAR WITH GD-IV OSTEOCHONDRAL DFFECT MEDIAL FEMORAL CONDYLE (LT) KNEE (OPTD) and “MEDIAL FEMORAL CONDYLE OSTEOCHONDRAL DEFECT GD-IV (RT) KNEE (OPTD)”*** have been found to be existing in respondent No.1 and the said disabilities have as assessed by the Medical Board @ 36% (composite) for life were held to be attributable to the military service and hence, though the grant of benefit of disability pension along with the benefit of rounding off 50% as against 20%to respondent No. 1 by placing reliance upon the judgment of Tribunal in ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761***, is correct but qua the grant of benefit of War Injury Pension by placing reliance upon the Army Order 5/2020, the case of the appellant is covered under Para 1 (ab) of Appendix “A”, is arbitrary and illegal. Learned counsel for the petitioners further submits that even the benefit of rounding off of War Injury Pension has been wrongly granted to respondent No. 1.

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

5. It is a conceded fact that the Operation Rakshak in the State of Jammu and Kashmir was specifically notified by the Government of India as an operation. The injury namely ***“MEDIAL MINISCUS TEAR WITH GD-IV OSTEOCHONDRAL DFFECT MEDIAL FEMORAL CONDYLE (LT) KNEE (OPTD)” and “MEDIAL FEMORAL CONDYLE OSTEOCHONDRAL DEFECT GD-IV (RT) KNEE (OPTD)”*** leading to the disability to the extent of 36% (Composite) have admittedly been received by the respondent No.1 while crossing the Nala near the International Boarder during Operation Rakshak, hence, the injury suffered by respondent No. 1 is not only been treated to be attributable to the military service but also, the same was assessed to have occurred while performing the bonafide military duty that too during the time when operation Rakshak was going on. Once, the said fact has been conceded, it cannot be said that the injury suffered by respondent No.1 did not happen while performing the duties in an operational area so as to treat the same as non-attributable to military service, which operation Rakshak has been ordered to be carried out by the Government of India.

6. Hence keeping in view these facts, coupled with the instructions dated 31.01.2001 which have been issued by the Government of India, the injury suffered by respondent No.1 is to be treated under category E(i), which is reproduced as under:-

“Category E

“PART II-PENSIONARY BENEFITS ON DEATH/DISABILITY IN ATTRIBUTABLE/ AGGRAVATED CASES. 4.1 For determining the pensionary benefits for death or disability under different circumstances due to attributable/aggravated causes, the cases will be broadly categorized as follows:-
Category A
xxx
tegory B
xxxx
Category C
xxxx
Category D
xxxx
Category E
Death or disability arising as a result of:-
a to h : x x x x x
i. Operations specially notified by the Government from time to time.”

7. A bare perusal of the above would show that the injury suffered by the respondent No. 1 is attributed to military service while being posted at an international border under ‘Operation Rakshak’. That being so, the claim for the grant of war injury pension by respondent No.1 will be covered under category E, which stipulates the situations as to when the benefit of war injury pension is to be granted, as has been rightly granted by the Tribunal.

8. Further, with regard to the grievance of petitioners qua the benefit of rounding off of disability granted to respondent No.1, the same issue has been settled by the Hon’ble Supreme Court of India in **Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761**, wherein 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 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.”

9. 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 disability is to be rounded off and in the present case, the disability of 20% is to be rounded off to 50% for life.

10 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 **Ram Avtar’s case (supra)** as well as **Bijender Singh vs. Union of India and others, 2025 SCC Online SC 895**, has again reiterated that the benefit of rounding off the disability element so as to grant the disability pension cannot be denied.

11. Keeping in view the facts and circumstance of the present case as well as the settled principle of law settled in **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 aspects and it was only during his service period that respondent No.1 was found to be suffering from disability of ***MEDIAL FEMORAL CONDYL OSTEOCHONDRAL DEFECT GD-IV (RT) KNEE (OPDT.)*** that being so, the said disability has to be attributed to the military service and therefore, Tribunal has rightly been granted the benefit of war injury pension to the respondent No. 1 and that too by rounding off his disability from 20% to 50%.

12. No further arguments raised.

13. Hence, in the absence of any perversity being pointed out in the impugned order dated 05.04.2024 (Annexure P-1) in O.A No.1143 of 2023, 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.**

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

(HARSIMRAN SINGH SETHI)
JUDGE

06-04-2026
Sapna Goyal

(DEEPAK MANCHANDA)
JUDGE

NOTE: Whether speaking/ reasoned: YES
Whether reportable: NO