



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

CWP-10045-2026

Date of Decision : 06.04.2026

UNION OF INDIA AND OTHERS

.....Petitioners

VERSUS

RAMESH CHAND

.....Respondent

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

Present: Mr. N.K. Verma, Advocate for the petitioners-Union of India.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, challenge is to the impugned order dated 06.02.2019 (Annexure P-4) passed by respondent-Armed Forces Tribunal, Regional Bench Chandigarh (in short, 'the Tribunal') by which, respondent has been allowed the benefit of disability pension including both service and disability element by rounding off the same from 30 % to 50% for life, on the ground that the same is perverse.

2. Learned counsel for the petitioner submits that the benefit of disability pension could not have been granted to respondent No.1, keeping in view the fact that he was already in receipt of pension from the service he had rendered with armed forces.

3. The learned counsel for the petitioner submits that in the Defence Security Corps (DSC) Service, a minimum service of 15 years was required to earn the benefit of service pension, as per Regulations governing whereas the learned Tribunal has granted the benefit of service element to

respondent inspite of the fact that he has not completed pensionable service of 15 years.

4. Further, the learned counsel for the petitioners has raised an argument that even the grant of benefit of rounding off has been wrongly granted to respondent No.1.

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

6. It transpires from the file for perusal and from the submission of the learned counsel for the petitioners that the grievance of the petitioners is threefold; firstly that the respondent No.1 has been given the benefit of disability pension despite the fact that he was already in receipt of pension from earlier service he rendered; second that even though there is a stipulation in the rules governing, that a minimum service of 15 years is required to be rendered in order to attain benefit of service element same has been granted before the said period of service by the responden No.1 has been rendered; third, that even the benefit of rounding off has been wrongly granted to respondent No.1 as he was discharged from services.

7. These grievances of the petitioners will be dealt accordingly hereinafter by taking into notice the facts of present case as well as settled principles of law governing the said issue.

8. It is conceded fact that at the time when respondent No.1 was discharged from Defence Security Corps on 17.07.1993, he had already rendered 12 years and 04 months of service with the DSC, petitioners-Union of India. It is also a conceded fact that at the time when respondent No.1 was re-enrolled in DSC on 17.07.1993, he was medically examined and was found not to be suffering from any such disease.

9. With regard to the grievance raised that respondent had served in the DSC for 12 years and 04 months and is not entitled for the disability pension being already in receipt of pension from service earlier rendered by the respondent. It is relevant to refer to a verdict rendered by the learned Tribunal concerned in case Original Application No.324 of 2016 titled ***Om Parkash Guleria Vs. Union of India and others, decided on 10.08.2018,*** wherein a similar question was put forth before the Tribunal concerned, that ***whether the applicant who was in receipt of army pension at the time of his re-enrolment in the DSC, is entitled to the disability pension in the DSC service also?*** The learned Tribunal concerned after considering the relevant regulations observed that in terms of Regulation 179 of the Pension Regulations for the Army, 1961, the applicant was entitled to disability pension consisting of service element as well as disability element. Further, the Tribunal also observed that the mere fact that the appellant was in receipt of pension of his first spell of Army service does not disentitle him to become an able recipient of the component of disability pension thus for the second spell of service in the DSC. The said verdict was challenged by the Union of India before the Hon'ble Supreme Court of India and the same was upheld by the Apex Court in its verdict rendered in case titled as ***Union of India and ors. Vs. Om Parkash Guleria, decided on 27.08.2021,*** to which Civil Appeal No. (Diary No.9346) became assigned. The relevant paragraphs, as occur in the said verdict are extracted hereinafter.

***“2. Besides the delay of 515 days in filing the appeal, which has not been satisfactorily explained, even on merits, we find no error in the judgment dated 10 August, 2021 of the Armed Forces Tribunal. The Tribunal has correctly construed the provisions of the pension regulations and the ultimate conclusion, entitling the respondent to the service element of the disability pension and the benefit of rounding off, does not suffer from any error.*”**

3. *The Civil Appeal is, therefore, dismissed on the ground of delay as well as on merits.*”

10. As for the second grievance, it should be noted that the petitioner is confusing the terms “service pension” and “service element”. For the grant of service pension, it is a conceded position that 15 years of qualifying service is to be rendered, but no such requirement is stipulated in the Rules governing the service, that 15 years of service is required in order to grant the benefit of “service element” of disability pension.

11. With regard to the grievance of the petitioners qua the ‘rounding off of disability pension’ the same 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 any officer serving in the Armed Forces, who had undergone the medical examination at the time of his/her enrolment and was found fit, is subsequently found to be suffering with a disability, is entitled to the benefit of disability pension by rounding off the same as per the presumption would be in favour of such employee, that the disability during the service is attributable to 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.”

12. Learned counsel for the petitioners has not been able to rebut the settled principle of law having been settled by the Hon'ble Supreme Court of India in ***Ram Avtar's case (supra)***.

13. Keeping in view the facts and circumstance of the present case as well as the settled principle of law settled in ***Om Parkash Guleria's case (supra)*** and ***Ram Avtar's case (supra)***, the grant of benefit of disability pension consisting of both the services and disability element @ 50% has been rightly granted to respondent No.1.

14. Hence, in the absence of any perversity being pointed out in the impugned order dated 06.02.2019 (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.

15. 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