



132 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10145-2026

Date of Decision : 06.04.2026

UNION OF INDIA AND OTHERS

.....Petitioners

VERSUS

SUMITRA DEVI AND ANOTHER

.....Respondents

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

Present: Ms. Bhavana Datta, Senior Panel 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 11.12.2023 (Annexure P-1) passed by respondent-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which, the husband of respondent No.1 has been allowed the benefit of rounding off of the disability element of disability pension @ 50% as against 30% for the period starting from 01.10.2006 to 06.12.2016 along with arrears, 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 has been found in the husband of respondent No.1, but he has been invalidated out from service on 30.09.2006 in low medical category. Hence, the grant of benefit of rounding off of the disability element @ 50% as against 30% w.e.f. 01.10.2006 to 06.12.2016 by placing reliance upon the judgment in the ***Civil Appeal No.5591-2006 titled as KJS Buttar vs. Union***

of India and another, decided on 31.03.2011 and Civil Appeal oNo.418 of 2012 Union of India and ors. 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 11.12.2023 (Annexure P-1).

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

4. It is a conceded fact that the time when the husband of respondent No.1 was discharged from service on 30.09.2006, he had already rendered more than 24 years of service with the petitioners-Union of India. It is also a conceded fact that at the time when the husband of respondent No.1 joined the armed forces i.e. 27.09.1982, he was medically examined and was not found suffering from any such disease. It is a conceded fact that the husband of respondent No.1 had been granted disability pension.

5. With regard to grievance of the petitioners qua grant of benefit of rounding off 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 when 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.”*

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 ors. Vs. Reet MP Singh and another***, has upheld the grant of benefit of rounding off the disability as per ***Ram Avtar’s case (supra)***, 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 ***KJS Buttar’s case (supra)***, claim of husband of respondent No.1 for the benefit of rounding off of the disability from 30% to 50% for the period starting from 01.10.2006 to 06.12.2016 and for grant of arrears of disability pension for the said period has rightly been allowed by the Tribunal.

8. 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)*** and ***KJS Buttar’s case (supra)***,

9. No other argument has been raised.

10. Hence, in the absence of any perversity being pointed out in the impugned order dated 11.12.2023 (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.

11. Accordingly, the writ petition is dismissed.

12. Pending application(s), if any, shall stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

06-04-2026
Sapna Goyal

(DEEPAK MANCHANDA)
JUDGE

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