



131

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

CWP-10143-2026

Date of Decision : 06.04.2026

UNION OF INDIA AND OTHERS**.....Petitioners****VERSUS****SURENDER KUMAR AND ANOTHER****.....Respondent**

**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 11.07.2024 (Annexure P-1) passed by respondent-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which, the respondent No.1 has been allowed the benefit of rounding off of the disability element of disability pension @ 50% as against 30% from 01.01.2008 to 31.12.2015, on the ground that the same is perverse.

2. Keeping in view the impugned order passed by the Tribunal dated 11.07.2024 (Annexure P-1), the paperbook as well as the arguments, the only grievance raised is that the claimant can only be held entitled for the grant of rounding off of the disability element of disability pension from 01.01.2016 whereas, same has been granted to respondent No.1 from his date of discharge i.e. 01.01.2008.

3. We have heard learned counsel for the petitioner and have gone through the records of the present case with his able assistance.

4. Though, it is a settled principle of law that the benefit of rounding off of the disability element of disability pension is to be granted to any army personnel irrespective of the fact whether he was invalidated/discharged or retired from service, the issue which persists is as to from which date the said benefit can be granted so as to grant benefit of arrears of same to such claimant/army personnel.

5. The said issued as to from which date arrears are to be granted in case benefit of rounding off has been granted has been in dispute somewhat, has been settled by the Hon'ble Supreme Court of India in a recently passed judgment in ***Civil Appeal Nos. 6820-6824 of 2018 titled as Union of India through Secretary and others vs. SGT Girish Kumar and others, decided on 12.02.2026***, whereby the Hon'ble Supreme Court of India has held that "pensionary entitlements partake the character of property and same is neither a bounty nor ex-gratia payment and same cannot be withheld, reduced or extinguished except by authority of law. The Hon'ble Supreme Court of India has further held that UOI has taken a conscious policy decision so as to grant benefit of arrears of disability pension to all eligible ex-servicemen from 01.01.1996 or 01.01.2006 as the case may be, which is clear from para 2 of letter dated 15.09.2014 issued by Deputy Secretary (Pension), Government of India and by letter dated 10.10.2018 issued by Director, Department of Pension and Pensioner's Welfare, wherein also same benefit was granted to all eligible from 01.01.1996 or 01.01.2006, as the case may be. The relevant paragraphs No. 15 to 21 of the judgment in ***SGT Girish Kumar and others' case (supra) are as under:-***

“15. Pension, as authoritatively settled by this Court, is neither a bounty nor an ex gratia payment dependent upon the grace of the State. It is a deferred portion of compensation for past service and, upon fulfilment of the governing conditions, matures into a vested and enforceable right. Pensionary entitlements, therefore, partake the character of property, and cannot be withheld, reduced, or extinguished except by authority of law. This principle applies with

full vigour to disability pension, which is grounded not merely in length of service, but in the impairment suffered by a member of the Armed Forces in the course of, or attributable to, the service rendered to the nation. The disability pension is not a matter of largesse, but a recognition of sacrifice made in service of the nation.

16. The Union of India, as a model employer, is expected to act with fairness, consistency and even-handedness in the administration of benefits conferred upon those who have served the nation. When a benefit is recognised by a policy and affirmed by judicial pronouncement, its application cannot be selective or uneven. The judgment rendered by a three-Judge Bench of this Court in Ram Avtar's case (supra) was a judgment in rem and, therefore, the benefit of same ought to have been extended by Union of India to the eligible ex-servicemen instead of requiring them to file original applications before the Tribunal seeking their entitlement.

17. It is pertinent to note that the Union of India itself had taken a conscious policy decision to pay arrears of disability pension to D.S. Nakara v Union of India, 1983 AIR SC 130, State of Jharkhand & Ors. v. Jitendra Kumar Srivastava & Anr., AIR4. 2013 SC 3383, Vijay Kumar v. Central Bank of India & Ors., 2025 INSC 848 all eligible ex-servicemen from 01.01.1996 or 01.01.2006, as the case may be. This position is clearly borne out from paragraph 2 of the letter dated 15.09.2014 issued by Deputy Secretary (Pension), Government of India, to Chiefs of Army, Navy and Air Force. The similar intent is also evident from paras 3 and 6 of the letter dated 10.10.2018 issued by Director, Department of Pension and Pensioner's Welfare, Government of India, wherein civilian Medical Officers were granted revised disability benefit from 01.01.1996 or 01.01.2006.

18. The aforesaid communications reflect a conscious and deliberate policy choice on the part of Union of India to confer upon all eligible pensioners the benefit of arrears of disability pension with effect from 01.01.1996 or 01.01.2006, as the case may be. In view of decision of this Court in Ram Avtar (supra), the Government of India, by an order dated 18.04.2016, expressly conveyed its approval to the Chiefs of the Army, Navy and Air Force for implementation of the directions issued by the Courts and Tribunals granting the benefit of broad banding of the disability element to Armed Forces Personnel who had retired or were discharged on completion of engagement with disability, attributable to or aggravated by military service, from the date specified in the respective judicial orders.

19. The order dated 18.04.2016 was a conscious policy determination taken with full financial concurrence. Thus, where the State itself, by a conscious policy decision, has determined that arrears of disability pension are payable from a specified cut off date, it is not open to it to subsequently resile and contend that such arrears ought to be confined to a period of three years preceding the claim. To permit such a course, would amount to acknowledging the right in principle while denying its substantive content in effect. Any such deprivation of accrued arrears which has become due to ex-servicemen in view of judicial determination as well as policy

decision taken by the Union of India itself, would constitute deprivation of property and would amount to infraction of Article 300A of the Constitution of India.

20. This Court has, in a consistent line of decisions, recognised that right to receive disability pension is a valuable right and once found due, the benefit of the same has to be given from the date it became due. The same cannot be curtailed by restricting K.J.S. Bhuttar v. Union of India & Anr., (supra); Davinder Singh v. Union of India & Ors. (supra); Madan Prasad Sinha v. Union of India & Ors., (supra); Piyush Bahuguna (Order dated 25.03.2022 passed in Diary No.10713/2021) and Bijender Singh v. Union of India (supra) the benefit to a period of three years preceding the filing of the original application. In the absence of any compelling reason to take a different view, we find no justification to depart from the view consistently taken by this Court.

21. The contention advanced on behalf of the Union of India that the claim for arrears of disability pension is barred by Limitation Act, cannot be accepted. The issue with regard to broad banding of disability pension attained finality only on 10.12.2014. Thereafter, Union of India in the order dated 18.04.2016 addressed to Chiefs of Army, Navy and Air Force acknowledged in clear terms that arrears of disability pension were to flow from 01.01.1996 without any curtailment. Therefore, in the facts and circumstances of the case, the contention that the claims of ex-servicemen were barred by limitation does not deserve acceptance.”

6. No other argument has been raised.

7. 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 facts or the settled principle of law, no ground is made out for any interference by this Court.

8. Accordingly, the writ petition is dismissed.

9. 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