

**CWP-11070-2026**  
**Date of Decision :10.04.2026**

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

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

2. Learned counsel for the petitioners submits that the respondent No.1 had joined the service on 08.05.1963 and was discharged from service on 12.10.1979 and the disability of “***CORNEAL OPACITY LT EYE V-6***”, suffered by the respondent No.1 was initially assessed at 20% (i.e. 15-19%) for two years. Thereafter, a Review Survey Medical Board re-assessed the disability of respondent No.1 @ less than 20% (15%-19%) for life. Thereafter, another Re-Survey Medical Board was held which assessed the disability @ 20% for life.

3. Learned counsel for the petitioners further submits that consequently when the claim of the respondent was forwarded to the PCDA(P) for approval the same was rejected by the said administrative authority.

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

5. It is a conceded fact that once, the Review Survey Medical Board conducted upon the respondent No.1 assessed the disability incurred by the respondent No.1 @ 20% for life hence, the overruling of such opinion of the Medical Board by an administrative native authority i.e. PCDA (P), Allahabad, cannot be sustained. This Court and the Supreme Court has in a number of judgments has categorically held that the assessment made by the Medical Board cannot be overlooked by giving preference to findings and the order of the administrative authority.

6. It may be further noticed that the Tribunal while passing the impugned order dated 18.10.2022 (Annexure P-1), has rightly ignored such decision passed the administrative authority i.e. PCDA (P), Allahabad, which has overruled the decision of the Medical Board so as to treat the respondent No.1 having the disability of **CORNEAL OPACITY LT EYE V-6"**, to be assessed above above 20% for life.

7. Once, the Re-Survey Medical Board has assessed the disability @ 20% for life, the non-grant of the disability element of disability pension to the respondent No.1 on the direction of an administrative authority was totally arbitrary and illegal, which fact has rightly been considered so as to overrule the said executive order while directing the petitioners to grant of disability element of disability pension to respondent No.1.

8. Further, the said disability has already been rounded off from 20% to 50% keeping in view the judgment of 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 the presumption would be in favour of such employee, that the disability suffered 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.”*

9. Hence, in the absence of any perversity being pointed out in the impugned order dated 18.10.2022 (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.**

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

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

10-04-2026  
Sapna Goyal

**(DEEPAK MANCHANDA)**  
**JUDGE**

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