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

(117)

CWP-10608-2026

Date of Decision : April 08, 2026

Union of India and others

.. Petitioners

Versus

Ex. Hav. Jagdish Chander and another

.. Respondents

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

Present: Mr. Ramesh Chand Sharma, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the impugned order dated 25.04.2012 (Annexure P-1) and 19.01.2023 (Annexure P-2) passed by respondent No.2-Armed Forces Tribunal, Chandigarh, (hereinafter referred to as 'the Tribunal') by which, the benefit of disability element of disability pension has been allowed in favour of respondent No.1 and rounding off the disability @ 50% w.e.f. 30.06.1991, which was assessed at less than 20% (15%-19%) 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 of '*Essential Hypertension*' has been found in respondent No.1, but he has been discharged from service on 30.06.1991 at his own request in low medical category on completion of his terms of engagement under Army Rules. Hence, the grant of benefit of rounding off of the disability element @ 50% as against less than 20% (15%-19%) w.e.f.



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30.06.1991 by placing reliance upon the judgment of in ***Civil Appeal No. 5591-2006 titled as KJS Buttar vs. Union of India and another, decided on 31.03.2011*** and rules/regulations governing the service 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 25.04.2012 (Annexure P-1).

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

4. It is conceded fact that at the time when respondent No.1 was discharged from service on 30.06.1991 at his own request on compassionate grounds, he had already rendered 21 years, 11 months and 23 days of service with the petitioners-Union of India. It is also a conceded fact that at the time when respondent No. 1 joined the armed forces i.e. 09.07.1969, he was medically examined and was not found suffering from any such disease.

5. As per the judgment in ***Civil Appeal No.5605 of 2010 titled as Sukhvinder Singh vs. Union of India and others, decided on 25.06.2014***, the injury, which led to being invalidated from service is assessed at less than 20%, for the purpose of the grant of disability pension, the same has to be treated as a minimum of 20%. The relevant paragraph of the judgment is as under:

“11. We are of the persuasion, therefore, that firstly, any disability not recorded at the time of recruitment must be presumed to have been caused subsequently and unless proved to the contrary to be a consequence of military service. The benefit of doubt is rightly extended in favour of the member of the Armed



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Forces; any other conclusion would be tantamount to granting a premium to the Recruitment Medical Board for their own negligence.

Secondly, the morale of the Armed Forces requires absolute and undiluted protection and if an injury leads to loss of service without any recompense, this morale would be severely undermined.

Thirdly, there appear to be no provisions authorizing the discharge of invaliding out of service where the disability is below 20 percent and seems to us to be logically so.

Fourthly, whenever a member of the Armed Forces is invalided out of service, it perforce has to be assumed that his disability was found to be above 20%.

Fifthly, as per the extant Rules/Regulations, a disability leading to invaliding out of service would attract the grant of fifty percent disability pension.”

6. With regard to grievance of the petitioners qua grant of benefit of rounding off of 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 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.”

7. 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 others vs. Reet MP Singh and another**, the grant of benefit of rounding off the disability as per **Ram Avtar’s case (supra)** has again been upheld, which fact has gone un-rebutted at the hands of the petitioners.

8. Keeping in view the facts and circumstances of the present case as well as settled principle of law settled in **Sukhvinder Singh’s case (supra)**, **Ram Avtar’s case (supra)** and **Reet MP Singh’s case (supra)**, claim of respondent No.1 for the benefit of rounding off of the disability from 20% to 50% has rightly been allowed by the Tribunal.

9. No other argument has been raised.

10. Hence, in the absence of any perversity being pointed out in the impugned order dated 25.04.2012 (Annexure P-1) either on the basis of the

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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.

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

(HARSIMRAN SINGH SETHI)
JUDGE

April 08, 2026
harsha

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No