



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

CWP-10743-2026

Date of Decision : 09.04.2026

**UNION OF INDIA AND OTHERSPetitioners
VERSUS
SUBEDAR MAJOR RAM CHARAN (RETD.) AND ANOTHER
.....Respondents**

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

Present: Mr. Maneesh Bali, Senior Panel Counsel for the petitioners.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 13.02.2018 (Annexure P-4) passed in MA-144 of 2018 in OA No.636 of 2015 dated 12.01.2018 (Annexure P-3) by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as, 'the Tribunal') by which order dated 10.11.2017 (Annexure P-2) passed in favour of the respondent No.1 was corrected and also, the subsequent order dated 15.12.2023 (Annexure P-13) by which, bailable warrants were issued against the officer of the petitioners.

2. Learned counsel for the petitioners submits that once initially vide order dated 10.11.2017 (Annexure P-2), permission was given to hold the Review Survey Medical Board by restricting the relief of disability pension for a period of two years, correcting the said order subsequently is not correct; hence, the impugned order dated 13.02.2018 (Annexure P-4) by which the said portion of the order dated 10.11.2017 (Annexure P-2) was clarified, is liable to be set aside.

3. Learned counsel for the petitioners further submits that the order dated 15.12.2023 (Annexure P-13), by which the bailable warrants were issued and a cost of Rs.50,000/- was imposed, is liable to be set aside.

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 may be noticed that while passing the order dated 10.11.2017 (Annexure P-2), the benefit of disability pension was allowed keeping in view the fact that the disability suffered by respondent No.1 was assessed at 20% for life and the said disability was not present at the time of recruitment of the respondent No.1 in service hence, by placing reliance upon the judgment of the Hon'ble Supreme Court of India in ***Dharamvir Singh versus Union of India and others, (2013) 7 SCC 316 and Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761***, the same was held attributable to military service so as to grant the disability pension.

6. It may be noticed that vide order dated 10.11.2017 (Annexure P-2), the disability pension was fixed for a period of two years and a direction was given to hold the Review Survey Medical Board however, such direction was not liable to be given as the disability was assessed by the Medical Board @ 20% for life. Hence, on an application filed by respondent No.1, order dated 10.11.2017 (Annexure P-2) was rightly corrected to mean that disability pension was also for life and there was no need for Review Survey Medical Board.

7. Once the disability, as per the settled principle of law in Dharamvir Singh's case (supra), was rightly held attributable to military service so as to grant disability pension to respondent No.1 and the disability so assessed @ 20% was for life by the Medical Board, restricting the disability pension for two years and directing to re-assess the disability by

Review Survey Medical Board was incorrect and was inadvertent. This inadvertent error was rightly corrected while passing the order dated 13.02.2018 (Annexure P-4), hence, no grievance can be raised by the petitioner qua the said correction, as the same was in accordance with the disability assessed by the Medical Board for life.

8. Further, even after a period of 5 years, the order was not implemented. Despite the fact that personal appearance was ordered and later exempted, no action was taken to implement the order passed in favour of respondent No.1 therefore, seeking presence throughailable warrants and imposing cost, cannot be treated as arbitrary or illegal.

9. It is a matter of fact that pensioners do not have any other source of income to survive and to live a dignified life based upon the amount, which is received as pensionary benefits/monthly pension.

10. Once, for a period of 5 years, the order passed in favour of respondent No.1 was not implemented, seeking justification for such inaction and ensuring compliance by issuingailable warrants or imposing cost for adjournments, cannot be treated as arbitrary or illegal.

11. Hence, keeping in view the totality of the circumstances, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

12. Present petition stands dismissed.

13. Pending miscellaneous application(s), if any, shall stand disposed off.

(HARSIMRAN SINGH SETHI)
JUDGE

09-04-2026
Sapna Goyal

(DEEPAK MANCHANDA)
JUDGE

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