



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

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CWP-10858-2026 (O&M)
Decided on :09.04.2026

UNION OF INDIA AND OTHERS

. .Petitioners

Versus

HAV HARPREET SINGH AND ANOTHER

. . . Respondents

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

PRESENT: Mr. Ashish Chaudhary, Senior Panel Counsel for the petitioners.

Ms. Roopan Atwal, Advocate for the respondent NO. 1.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, challenge is to the impugned order dated 07.03.2019 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Regional Bench Chandigarh (in short, 'the Tribunal') by which, respondent No.1 has been allowed the benefit of service element of disability pension alongwith benefit of rounding off of the disability element of disability pension from 20 % to 50% for life.

2. Learned counsel for the petitioners submits that even the requisite qualifying service period of 15 years was not completed by the officer concerned, which is a mandatory condition for the grant of service element, which aspect has been ignored by the Tribunal while granting the benefit of service element of disability pension.

3. Learned counsel for the petitioners further submits that the benefit of rounding off of the disability pension to respondent No. 1 from 20% to 50% by placing reliance upon the judgment of in *Civil Appeal No.418-2012 Union of India and others vs. Ram Avtar, decided on*



10.12.2014 is incorrect as he was discharged from service at his own request and the facts of the present case have not been appreciated in correct perspective by the Tribunal while passing the impugned order dated 07.03.2019 (Annexure P-1).

4. We have heard learned counsel for the petitioners and have gone through the record with his able assistance.

5. As for grievance raised by learned counsel for the petitioners that requisite period of service i.e. 15 years has not been completed by respondent No. 1 for grant of service element of disability pension. It should be noted that the petitioner is confusing the terms “service pension” and “service element”. Though, for grant of former benefit, the claimant must have rendered 15 years of service, but in order to attain the benefit of “service element”, no such requirement is enshrined in any rule/regulation governing the service, which is clear from perusal of regulation 183, which regulation has also been relied upon by Tribunal while granting benefit of service element to respondent NO. 1.

6. With regard to the grievance of petitioners qua the benefit of rounding off of disability granted to respondent No.1, the same issue has been settled by 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 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. 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)** to the effect that percentage of disability is to be rounded off and in the present case, the disability of 20% is to be rounded off to 50% for life.
8. Further, in a recent judgment in **Civil Appeal No.11311 of 2025 titled as Union of India and others vs. Reet MP Singh and another, decided on 01.09.2025**, the Hon’ble Supreme Court of India by placing reliance upon



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Ram Avtar's case (supra) as well as *Bijender Singh vs. Union of India and others, 2025 SCC Online SC 895*, has again reiterated that the benefit of rounding off the disability element so as to grant the disability pension cannot be denied.

9. Learned counsel for the petitioners-UOI has not been able to rebut the said settled principles of law or rules/regulations governing service or the facts mentioned hereinbefore.

10. No other argument has been raised.

11. Hence, in the absence of any perversity being pointed out in the impugned order dated 07.03.2019 (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.

12. Accordingly, the present petition is disposed of.

13. Pending civil miscellaneous application(s), if any, stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

09.04.2026

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Whether speaking/reasoned: Yes/~~No~~

Whether Reportable: ~~Yes~~/No