

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

119

CWP-11695-2026

DATE OF DECISION: 20.04.2026

UNION OF INDIA AND OTHERS**... Petitioners****Versus****EX SEP KEWAL RAM(NOW DECEASED)
THROUGH HIS LEGAL REPRESENTATIVE
SMT LACHMI AND ANOTHER****... Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Rohit Verma, Advocate for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

The present petition has been filed challenging the order dated 04.02.2019 and order dated 26.12.2020 passed by the Armed Forces Tribunal, Chandigarh Bench (for short – the ‘Tribunal’) whereby respondent No.1 has been granted the benefit of disability pension along with benefit of rounding off of the same to 50% as against 20%.

2. The grievance raised by petitioners is that benefit of disability pension has been wrongly granted to respondent No.1 as there is no medical record to substantiate that said disability was due to service rendered by him with military service along with the fact that he was discharged from service at his own request.

3. The learned counsel further submits that even the benefit of rounding off has wrongly been granted to respondent No.1 as he was discharged from service at his own request.

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

5. From perusal of the pleadings, the order impugned and arguments



advanced by the learned counsel for the petitioners, it is clear that at the time of the discharge from service, the medical category under which respondent No.1 was discharged was mentioned as low category which means that the officer concerned was not in a position to discharge the duties assigned to him. As per the settled principle of law, in case any discharge which is based upon the low medical category, even if said discharge from service was at own request, such a personnel will be entitled for benefit of disability pension as the disability is the reason for the discharge from service, which has to be attributed to military service in case same was not in existence at the time of retirement keeping in view the judgment of the Hon'ble Supreme Court of India in ***Dharamvir Singh vs. Union of India and others, (2013) 7 SCC 316.***

6. In the present case, it is clear that the respondent No. 1 was discharged from service under low medical category hence, as per the judgment of the Hon'ble Supreme Court of India in Civil Appeal No.5605 of 2010, decided on 25.06.2014 titled "***Sukhwinder Singh Vs. Union of India and others***", the disability which has been made the basis of discharge from service has to be presumed at 20% so as to entitle respondent No.1 for benefit of disability pension to the respondent No.1. Merely that medical record pertaining the disability is not available, same cannot be used as an impediment to not grant benefit of disability pension to respondent No.1 especially when he has been discharged from service due to such disability in 'low medical category'. As per ***Sukhwinder Singh (supra)*** once a disability is the reason from discharge from service, benefit of disability pension cannot be denied.

7. Further, as for the grievance raised by petitioners qua grant of benefit of rounding off to respondent No.1 it shall be noticed that said issue is no longer res integra, as same has been settled by Hon'ble Supreme Court of India in in ***Civil***



Appeal No.418 of 2012 titled Union of India and ors Vs. Ram Avtar, decided on 10.12.2014, whereby grant of said benefit has been held to be correct to be given each personnel irrespective of the fact whether he was invalided out of service or discharged from service at this own request, hence, keeping in view the facts and circumstances of the present case where the order is being challenged after a period of seven years, no ground is made out for any interference by his Court, as no perversity in the order impugned has been shown to be existing.

8. The present petition stands dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

20.04.2026
sapna adhikari

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No