



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

234

CWP-12089-2025

Date of Decision: 12.01.2026

UNION OF INDIA THROUGH ITS SECRETARY

...Petitioners

Versus

NO 707309L L EX WO HANSPAL MALIK AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present:- Ms. Bhavana Datta, Senior Panel Counsel,
for the petitioners.

Mr. Arshit Goel, Advocate,
for respondent No.1.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the impugned order dated 12.08.2024 (Annexure P-1) passed by respondent No. 2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal'), by which, respondent No.1 has been allowed the benefit of disability pension along with the benefit of rounding off of the disability element from 20 % to 50 %, keeping in view the facts and circumstances of the present case, on the ground that the same is perverse.

2. Learned counsel for the petitioners argues that the disability of *Sensorineural hearing loss (RT) ICD No.H90,0* suffered by respondent No.1



was assessed by the Medical Board at less than 20% and therefore, the benefit of disability element of the disability pension could not have been granted to respondent No.1, which fact has been ignored by the Tribunal.

3. Upon notice of motion, Mr. Arshit Goel, Advocate, has appeared on behalf of respondent No.1 and submits that as per the Guide to medical Officers (Military Pensions), 2022, degree of disablement in case of hearing loss cannot be assessed less than 20% and therefore, even if the degree of disability suffered by respondent No.1 mentioned in the medical certificate by the Medical Board is less than 20%, the same has to be treated as 20% for the purpose of grant of benefit of disability pension. Learned counsel for respondent No.1 further submits that the learned Tribunal, in OA No.802 of 2021, titled as '*Col. Rajiv Kacker vs. Union of India and others*', decided on 21.03.2022, granted the similar benefit to one Col. Rajiv Kacker, on the similar ground, which judgment has already been upheld upto the Hon'ble Supreme Court of India in Civil Appeal (Diary No.42446 of 2022), which has been dismissed on 10.02.2023.

4. Learned counsel for the petitioners controverts the same and submits that as per the Guide to Medical Officers (Military Pensions), 2022, the said benefit of assessing disability of ears @ 20%, the disability should be suffered by both ears, whereas the disability suffered by personnel concerned, in the present case is only in the one ear.

5. We have heard learned counsel for the parties and have gone through the case file with their able assistance.



6. Once, the disability of hearing qua the respondent was assessed less than 20%, but same cannot be less than 20% even as per the manual governing service, any personnel found to be suffering with the hearing disability so as to claim the benefit of disability element for the disability pension, the said disability has to be reckoned @ 20%. The said principle has already been settled upto the Hon'ble Supreme Court of India in the case of *Col. Rajiv Kacker's* case (supra), which fact has gone unrebutted at the hands of learned counsel for the petitioners. Hence, the grant of benefit by treating minimum disability @ 20% in case of hearing disability as per the Guide to medical Officers (Military Pensions), 2022, is perfectly valid and legal and is based upon the settled principle of law in *Col. Rajiv Kacker's* case (supra).

7. Further, as per the settled principle of law settled by 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.”

8. Hence, keeping in view the above, the grant of benefit of disability pension @ 20%, keeping in view the provisions of Guide to Medical Officers (Military Pensions), 2022 and further, grant of rounding off of the disability pension @ 50%, as per the settled principle of law, stipulated hereinabove is correct.

9. Keeping in view the above, the impugned order passed by the Tribunal is perfectly valid and legal and the same has not been found to be



perverse either on facts or the settled principle of law, no ground is made out for any interference by this Court.

10. Accordingly, the writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

January 12, 2026
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Whether speaking/reasoned	Yes
Whether reportable	No