



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14035-2026

Date of decision : 06.05.2026

Union of India and others

...Petitioners

Vs.

JC No.255983-K Ex. Sub Dharam Chand
and another

...Respondents

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

Present: Mr. Narender Kumar Vashist, Sr.Panel Counsel for the petitioners.

HARSIMRAN SINGH SETHI, J.(Oral)

1. In the present petition, the challenge is to the impugned order dated 19.11.2024 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Chandigarh (hereinafter referred to as 'the Tribunal'), by which, respondent No.1 has been allowed the benefit of rounding off the disability element @ 50% as against 20% w.e.f.01.02.2005 to 31.12.2015 for life, on the ground that the same is perverse.

2. Learned counsel for the petitioners argues that respondent No.1 is not entitled to the benefit of rounding off the disability pension from 20% to 50% for said period and the Tribunal has wrongly granted the said benefit by placing reliance upon the judgment of the Hon'ble Supreme Court of India in ***K.J.S.Buttar Vs. Union of India 2011 STPL (Web) 316 SC*** and ***Civil Appeal No.418 of 2012 titled Union of India and ors Vs. Ram Avtar, decided on 10.12.2014*** as same is contrary to the policy issued by Government of India.

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

4. It is a conceded fact that at the time when respondent No.1 was discharged from service on 01.02.2005 upon completion of his term of engagement

under Army Rule 13(3) Item III (i), he had already rendered 27 years 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.20.01.1978, he was medically examined and was not found suffering from any such disease, on the basis of which, respondent No. I has been granted the benefit of disability pension.

5. There is no dispute qua admissibility of disability pension as a bare perusal of the order passed by the Tribunal would show that even the Medical Board has assessed the disability of “*Osteo Arthriosis (LT) Knee*” @ 20%, which is held to be attributable to military service and the said fact has gone unrebutted. Keeping in view this fact, when even the Medical Board has conceded that the disease which led to the discharge of the officer concerned was attributed to military service, filing of the petition by the Union of India is contrary to the recommendations of the Medical Board itself.

6. The first question which arises for consideration is, whether benefit of rounding off is to be given to respondent No.1 or not, and if same is to be given, from which date same will be admissible.

7. As per the principle of law settled by the Hon'ble Supreme Court of India in *Ram Avtar's case (supra)*, any officer serving in the Armed Forces, who had undergone the medical examination at the time of his/her selection and was found fit in all respects, subsequently upon suffering a disability, is entitled to the benefit of disability pension by rounding off the same as the presumption would be that the disability suffered is attributable to 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. 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 when applied in present case, the disability of 20% is therefore to be rounded off to 50%.

9. Further, in the 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 ***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 cannot be denied.

10. Further, the issue as to from which date benefit of rounding off is to be given, which issue has been in dispute somewhat, has been settled by the Hon'ble Supreme Court of India in a recently passed judgment in ***Civil Appeal Nos. 6820-6824 of 2018 titled as Union of India through Secretary and others vs. SGT Girish Kumar and others, decided on 12.02.2026***, whereby the Hon'ble Supreme Court of India has held that " pensionary entitlements partake the character of property and same is neither a bounty nor ex-gratia payment and same cannot be withheld, reduced or extinguished except by authority of law. The Hon'ble Supreme Court of India has further held that UOI has taken a conscious policy decision so as to grant benefit of arrears of disability pension to all eligible ex-servicemen from 01.01.1996 or

01.01.2006 as the case may be, which is clear from para 2 of letter dated 15.09.2014 issued by Deputy Secretary (Pension), Government of India and by letter dated 10.10.2018 issued by Director, Department of Pension and Pensioner's Welfare, wherein also same benefit was granted to all eligible from 01.01.1996 or 01.01.2006, as the case may be.

11. Keeping in view the facts and circumstance of the present case as well as the principle of law settled in *Ram Avtar's case (supra)* and *SGT Girish (supra) and Balbir Singh (supra)*, the grant of benefit of rounding off for the intervening period by Tribunal is correct.

12. No other argument is raised.

13. Hence, in the absence of any perversity being pointed out in the impugned order dated 19.11.2024 (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.

14. Accordingly, the writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

06.05.2026

vanita

Whether speaking/reasoned :	Yes
Whether Reportable :	No