



CWP-14172-2026

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CWP-14172-2026

DATE OF DECISION: 07.05.2026

UNION OF INDIA AND OTHERS

... Petitioners

Versus

EX NAIK TS GURDIP SINGH

... Respondent

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

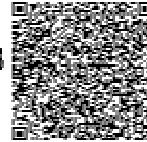
Present: Mr. N.K.Verma, Senior Panel counsel
for the petitioners-UOI.

HARSIMRAN SINGH SETHI, J. (ORAL)

The present petition has been filed challenging the order dated 02.05.2023 (Annexure P-1) passed by the Armed Forces Tribunal (for short – the ‘Tribunal’) by which, the benefit of war injury pension has been awarded in favour of the respondent keeping in view the fact that the respondent was posted in an counter insurgency area in Jammu and Kashmir during operation Parakaram and while performing active duty, he fell ill and was diagnosed with “Thoracic Outlet Syndrome 173.0 (OPTD).

2. Learned counsel for the petitioners submits that the injury suffered by the respondent is not a Battle Casualty as per the existing policy and therefore, the same will not entitle respondent for the grant of war injury pension which benefit has been given by the Tribunal vide order impugned, though it is a matter of fact that benefit of grant of disability element of disability pension was already extended in favour of the respondent.

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



4. It should be noted that the instructions dated 31.01.2001 have been issued by the Government of India wherein, it has been duly mentioned that any injury or death which occurs while performing the duty in an operational area, the same will be treated as war injury or war death and same will entitle the personnel concerned for grant of war injury pension or in case of death, liberalized family pension accordingly. The relevant portion of the said instructions is as under:-

“Para 4.1 Category E xxxx xxxx

Category E Death or disability arising as a result of:-

(a) to (e) xxxx xxxx

(f) War like situations, including cases which are attributable to/aggravated by:-

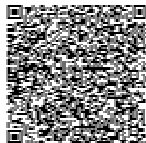
(ii) Battle inoculation training exercises or demonstration with live ammunition.

(g) & (h) xxxx xxxx

*(i) **Operations specially notified by the Govt. from time to time.**”*

5. In the present case, the respondent was posted in an operational area under Operation Prakaram and was posted in Jammu and Kashmir which is a conceded fact. Further, the said injury occurred due to exposure to cold climatic condition while performing the active military duty in an operational area which situation has been covered under the said instructions so as to grant the benefit of war injury pension in favour of the respondent. Even otherwise, the disability of respondent was assessed @ 20% which was attributable to military service and once attributability is not in question along with the fact that case of respondent is squarely covered under aforementioned instructions; there arises no occasion to deny the benefit of war injury pension to the respondent.

6. The learned counsel for the petitioners has not been able to dispute the said fact. Once, the said instructions clearly entitle the respondent for grant of the war injury pension, the grant of the same by the Tribunal cannot be treated as arbitrary, illegal or perverse to the facts or the instructions dated 31.01.2001.



CWP-14172-2026

3

- 7. Hence no ground is made out for any interference by this Court.
- 8. The present petition stands dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

07.05.2026
Sandeep

Whether speaking/reasoned : Yes
Whether reportable : No