

**CWP-14698-2026****1**

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

(117)**CWP-14698-2026****Date of Decision : May 12, 2026****Union of India and others****.. Petitioners**

Versus

Ex. Naik Ranjit Singh 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)

1. In the present petition, the challenge is to the order dated 26.04.2023 (Annexure P-1) passed by the respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal'), by which the benefit of War Injury Pension on adjustment of lump sum compensation awarded to him has been granted to respondent No.1 w.e.f. 01.03.1996 for life.

2. Learned counsel for the petitioners has argued that though, it is a conceded fact that the injury of '*Amputation Below Knee (LT) Mine Blast*' suffered by respondent No.1 is to be treated as a war injury, but as per rules governing the service, in an event where personnel suffers from war injury, two option are available to a personnel, which were also available with respondent No.1 i.e. either to take a lump sum compensation or war injury pension and in the present case, as respondent No.1 had opted for lump sum compensation, with which he was awarded hence, at a later stage, the claim

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raised by respondent No.1 for grant of other option i.e. war injury pension could not have been raised to be entertained by the petitioners-UIOI, which fact has been ignored by the Tribunal while granting the benefit of war injury pension.

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

4. It may be noticed that the same issue was raised by the Union of India in ***CWP-5628-2010, titled as 'Pawan Singh vs. Union of India nad others' decided on 10.08.2010***, where initially the Tribunal had declined to interfere with regard to re-opting by a soldier, who had initially chosen to take lump sum compensation qua disability suffered by him but at a later point of time sought for grant of benefit of disability pension, this Court held that once the benefit of disability pension was admissible, merely that other option was initially exercised due to wrong advice he received, will not be a bar to reconsider the same so as to opt for grant of disability pension especially when there is no bar provided in the statute for grant of same. The issue raised in the present petition is squarely covered by the said decision in ***Pawan Kumar's case (supra)***.

5. Again the same issue was raised by the Union of India in ***LPA-117-2011, titled as 'Union of India and others vs. Ex. Constable Jaswant Singh (deceased) through his legal representatives', decided on 12.12.2012***, wherein also the similar view was taken by this Court, by observing that under the revised rules, the claimant cannot be denied to avail the other benefit after availing benefit of lump sum compensation especially when such benefit was availed under wrong or ill-advice which

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led them to seek less beneficial benefit.

6. Once, the impugned order dated 26.04.2023 (Annexure P-1) passed by the Tribunal is in consonance with the settled principle of law noted hereinbefore, no ground is made out for any interference by this Court. Accordingly, the writ petition is dismissed.

7. Pending applications, if any, also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

May 12, 2026
harsha

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No