



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

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CWP-16200-2026 (O&M)
Decided on :22.05.2026

UNION OF INDIA AND OTHERS

...Petitioners

Versus

NAIK NAHAR SINGH AND ANOTHER

. . Respondents

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

**PRESENT: Mr. Ashish Chaudhary, Advocate,
Senior Panel Counsel for the petitioners-UOI.**

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the challenge is to the impugned orders dated 29.03.2022 (Annexure P-1) passed by respondent No.2 – Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as ‘the Tribunal), by which, instead of the benefit of disability pension, the benefit of War Injury pension by rounding off the disability element @ 75% as against 50% w.e.f. 01.12.2006 has been granted in favour of respondent No.1.

2. Learned counsel for the petitioners submits that though the respondent No. 1 was posted with I PARA Regiment in Operation PAWAN (Sri Lanka), which is to be considered as operational duty but the disability suffered by respondent No. 1 i.e. PERFORATING INJURY (LT) EYE ICD NO N-871, E-917’ @50 % is due to the bushes of the tree, which hit on his



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eye, hence, the said injury/disability cannot be treated as attributable to the Military Service as the respondent No.1 should have been careful while discharging the duties in an operational zone and **hence, the same cannot be treated as battle causality/injury.** Learned counsel for the petitioners further submits that even the benefit of rounding off of war injury pension has been wrongly granted to respondent No. 1.

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

4. It is very unfortunate to note that the petitioners-Union of India has termed an injury suffered by a soldier in a jungle in an operational area while being posted in a peace keeping force in Sri Lanka not to be attributed to the military service.

5. A soldier who was searching for terrorists in a jungle sustained injuries in the eyes due to bushes and branches of the trees, the contention of the petitioners- Union of India that the said injury cannot be attributed to military service, cannot be accepted. The injury, namely “PERFORATING INJURY (LT) EYE ICD NO. N-871, E-917,” resulting in 50% disability, was admittedly suffered by respondent No. 1 in a jungle situated in an operational area in Sri Lanka which is a peace keeping force. Therefore, the injury suffered by respondent No. 1 is not only attributable to military service, but it was also assessed to have occurred while performing bona fide military duty. Once this fact has been conceded, it cannot be contended that the injury suffered by respondent No. 1 did not occur during the performance of duties in an operational area so as not to treat the same as suffered in an operational area to be treated as war injury, especially when the duties in the operational area were being carried out pursuant to orders issued by the



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Government of India.

6. Hence keeping in view these facts, coupled with the instructions dated 31.01.2001 which have been issued by the Government of India, the injury suffered by respondent No.1 is to be treated under category E(i), which is reproduced as under:-

“Category E

“PART II-PENSIONARY BENEFITS ON DEATH/DISABILITY IN ATTRIBUTABLE/ AGGRAVATED CASES. 4.1 For determining the pensionary benefits for death or disability under different circumstances due to attributable/aggravated causes, the cases will be broadly categorized as follows:-

Category A

xxx

tegory B

xxxx

Category C

xxxx

Category D

xxxx

Category E

Death or disability arising as a result of:-

a to h : x x x x x

i. Operations specially notified by the Government from time to time.”

7. A bare perusal of the above would show that the injury suffered by the respondent No. 1 is to be treated as attributable to military service while being posted with I PARA Regiment in Operation PAWAN (Sri Lanka). That being so, the claim for the grant of war injury pension will be covered under category E (i) of said instructions, which stipulates the situations as to when the benefit of war injury pension is to be granted as has been granted by the Tribunal.

8. Further, with regard to the grievance of petitioners qua the



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benefit of rounding off of disability granted to respondent No.1, the same issue has been settled by the 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,



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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.”*

9. 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 in the present case, the disability of 50% is to be rounded off to 75% for life.

10. Further, in a 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 so as to grant the disability pension cannot be denied.

11. Keeping in view the facts and circumstance of the present case as well as the settled principle of law settled in **Ram Avtar’s case (supra)** as well as **Reet MP Singh case (supra)**, once at the time of enrolment, respondent No.1 was medically examined and was found to be fit in all aspects and it was only during his service period that respondent No.1 was found to be suffering from disability of ‘**PERFORATING INJURY (LT) EYE ICD NO N-871, E-917**’ that being so, the said disability has to be attributed to the military service and therefore, Tribunal has rightly been granted the benefit of war injury pension to the respondent No. 1 and that too by



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rounding off his disability from 50% to 75%.

12. No further arguments raised.

13. Hence, in the absence of any perversity being pointed out in the impugned order dated 29.03.2022 (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 and **the writ petition is accordingly dismissed.**

14. Pending application(s), if any, stands disposed of.

**(HARSIMRAN SINGH SETHI)
JUDGE**

**(DEEPAK MANCHANDA)
JUDGE**

22.05.2026

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Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: ~~Yes~~/No