



CWP-18265-2026

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision :29.05.2026

Union of India and others

...Petitioners

Versus

Ex. GNR. Gurdial Singh and another

...Respondents

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

Present: Ms. Krishna Dayama, Senior Panel Counsel (joined through V.C.)
for the petitioners-UOI..

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present writ petition, the challenge is to the order dated 25.11.2024 (Annexure P-1) passed by respondent No.2- Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal') by which, the benefit of invalid pension has been granted to respondent No.1.

2. Learned counsel appearing on behalf of the petitioners argues that even for the grant of benefit of invalid pension, the personnel concerned should have rendered minimum of 10 years of service, which minimum period of service has not been completed by respondent No.1 in the present case as the respondent No.1 joined the Indian Army on 31.12.1974 and after rendering service of 07 years and 331 days with the respondent-UOI, he was placed in Low Medical Category (EEE) due to disability "Personality Disorder-Schizoid Personality" @ 40% and was invalidated out from service on 26.11.1982 and therefore, the grant of invalid pension to respondent

No.1, in the facts and circumstances of the present case, is incorrect.

3. Learned counsel for the petitioners further submits that even if it is assumed for the sake of argument that invalid pension is to be granted to respondent No.1 but the same can only to be granted for the cases pertaining after 04.01.2019 as per instructions dated 16.07.2020 issued by Government of India. Even though said instructions removed the embargo of rendering 10 years of mandatory service for grant of invalid pension and as the respondent No.1 was invalidated out of service prior to the said date devoid of rendering 10 years of mandatory service, the benefit of invalid pension could not have been granted under any circumstances, which fact has been ignored by the Tribunal while granting the relief.

4. We have heard learned counsel for the petitioners and have gone through the record with her able assistance.

5. Argument raised at the hands of the learned counsel for the petitioners is that minimum 10 years of service is required to be rendered by personnel concerned for the grant of benefit of invalid pension.

6. Qua the said argument, it may be noticed that as per the settled principle of law settled by the Hon'ble Supreme Court of India in **SLP (s)-20330/2011 titled as Union of India and others versus P. A. Thomas**, any officer serving with the Military, who had undergone the medical examination at the time of selection and was found fit but subsequently, he/she has been discharged from service before completing the qualifying service, is entitled to the benefit of invalid pension irrespective of the length of service as the disease on the basis of which such officer is being discharged is attributable to the Military service.

7. Another argument raised by the learned counsel for the

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petitioners is that benefit of invalid pension can only be granted prospectively from 04.01.2019 onwards keeping in view the instruction dated 16.07.2020 issued by Government of India whereas, the case of respondent No.1 related to a period prior to that.

8. Qua the said argument, it may be noticed that a Coordinate Bench of this Court in ***CWP No.28442 of 2023 titled as Union of India and others vs. Sandeep Kumar and another, decided on 07.01.2025*** has already set aside the said condition imposed by the Government of India that the grant of invalid pension will be prospective in nature starting from 04.01.2019 onwards keeping in view the judgment in ***P.A. Thomas's case (supra)***, which has also been noticed by the Coordinate Bench of this Court and held that Soldiers invalidated from service prior to 2019 are also entitled for the benefit of invalid pension.

9. Keeping in view the totality of the circumstances, the arguments which have been raised at the hands of the learned counsel for the petitioners cannot be accepted keeping in view the settled principle of law noticed hereinbefore.

10. No ground is made out for any interference by this Court in the facts and circumstances of the present case and accordingly, the writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

May 29, 2026
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Whether speaking/reasoned : Yes
Whether reportable : No