



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

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CWP-16901-2024 (O&M)

Decided on :15.05.2026

UNION OF INDIA AND OTHERS

...Petitioners

Versus

EX NAIK SURESH KUMAR AND ANOTHER

. . Respondents

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

PRESENT: Mr. Harmanjot Singh Gill, Advocate
for the petitioners. (appeared through virtual mode)

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, challenge is to the impugned order dated 24.08.2022 (Annexure P-1) passed by the respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which, the respondent has been held entitled for the grant of service pension after condoning the shortfall of service equivalent to 383 days.

2. Learned counsel for the petitioner submit that the issue raised in the present petition with regard to the grant of benefit of condonation of service so as to consider the service of the officer concerned to the minimum of 15 years, which is the qualifying service required for the grant of service pension, disability pension including the family pension as the case may be, has already been decided by the Hon'ble the Supreme Court of India while passing judgment in *Union of India and others Versus Balakrishnan Mullikote (Ex.HAV 256812 M) Civil Appeal arising out of Diary No.27446 of 2023, decided on 24.03.2026.*

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

4. Keeping in view the fact that while passing order in



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Balakrishnan Mullikote’s case (supra), the soldiers having similar service as of respondent no. 1 have already been granted the relief, which fact has been conceded by the learned counsel for the petitioners hence, the challenge to the relief granted to the respondent No.1, cannot be entertained in view of the judgment passed in **Balakrishnan Mullikote’s case (supra)**.

5. Keeping in view the facts mentioned hereinbefore the issue raised in this petition is covered by the judgment in **Balakrishnan Mullikote’s case (supra)**, the present petition is dismissed in the same terms and conditions as held in **Balakrishnan Mullikote’s case (supra)**.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

15.05.2026

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