



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CWP-23074-2024

Date of Decision: 13.03.2026

UNION OF INDIA AND ORS

...Petitioners

Versus

NO 293704 EX JWO SINGH RAM KHATRI AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present: Ms. Bhavana Datta, Senior Panel Counsel,
for the petitioners.

None for the respondents.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the impugned order dated 29.03.2023 (Annexure P-3) passed by the Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal), by which, respondent No.1 is held entitled to the benefit of service pension on the last rank held i.e. Junior Warrant Officer by him at the time of his retirement.

2. The only argument raised by learned counsel for the petitioners is that the arrears should be restricted rather than granting it from the date of entitlement to respondent No.1.

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

4. It may be noticed that the grant of entitled pension is the duty of the State, being a welfare State. The non-grant of such pensionary benefit,



has been held that the same cannot be denied on account of delay. In case, an entitled pensionary benefit cannot be denied on account of delay, the arrears flowing therefrom also cannot be restricted. Further, the Tribunal in some cases have granted the complete arrears and in some cases, the benefit of arrears were restricted.

5. The case of 'Union of India Vs. Roshan Lal Yadav & Anr.', CWP No.23968 of 2024, somewhat falls in similar circumstances, wherein also the claimant had deficit in qualifying service and benefit of full arrears was granted, which was challenged by the Union of India and the said writ petition was dismissed holding that the benefit of arrears from the date of entitlement is valid.

6. The Co-ordinate Bench relied upon the judgment of the Hon'ble Supreme Court in Civil Appeal No.7366-7367 of 2011 titled Union of India and Others Vs. Ex JWO Bharat Singh Khatana, decided on 29.01.2010, wherein, it has been held that the pensionary benefit, once found to be entitled to the claimant, the benefit of arrears has to be granted from the date of entitlement and the same cannot be curtailed. Learned counsel for the Union of India has not been able to dispute the said proposition of law settled by the Co-ordinate Bench.

7. By applying the same ratio, as laid down by the Co-ordinate Bench on the basis of the aforesaid judgment of the Hon'ble Supreme Court of India in Civil Appeal No.7366-7367 of 2011, denying the benefits of full arrears to respondent No.1, is contrary to the settled principle of law.

8. Further, it may be noticed that the said question qua grant of arrears has been settled by the Hon'ble Supreme Court of India in **Civil**



Appeal No.3086 of 2012 titled ***“Balbir Singh vs. Union of India and others”***, decided on 08.04.2016, wherein the question was with regard to limiting of the benefits of admissible arrears to the period of three year wherein the relief of entire arrears granted to the claimant, the Hon’ble Supreme Court of India held as under:-

“XXX...The Tribunal was therefore justified in restoring the service element of the pension in favour of the appellant. The question however is whether the arrears could have been restricted to three years only. The Tribunal in our view need not have done so. That is because the appellant had a right to receive service element of the pension in light of Regulation 186 (supra), which right was valuable and ought to have been protected. The fact that the appellant had approached the Tribunal for redress belatedly was in the peculiar circumstances of the case no reason for the Tribunal to reduce the payment of arrears to three years only.

We accordingly allow this appeal and modify the order passed by the Tribunal with the direction that the appellant shall be paid service element of the pension with effect from the date the said payment was stopped by the respondents. We however grant to the respondents three months time to calculate and release the arrears in favour of the appellant. In case the needful is not done within the time stipulated, the arrears payable to the appellant shall start earning interest at the rate of 9% from the date the period of three months expires till actual payment of the amount.”

9. Keeping in view the facts that the order dated 29.03.2023 (Annexure P-3) passed by the Tribunal has not been proved to be perverse either on facts or law, no ground is made out for any interference by this Court in the facts and circumstances of the present



case.

10. Accordingly, the writ petition is dismissed.

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

(HARSIMRAN SINGH SETHI)
JUDGE

March 13, 2026
harish

(VIKAS SURI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No