



CWP-20875-2024 (O&M)

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

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CWP-20875-2024 (O&M)
Date of Decision :28.01.2026

Ex. Recruit Rawat Singh**...Petitioner**

Versus

Union of India & others**....Respondents**

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

Present: Mr. Ashok Bhardwaj, Advocate for the petitioner.

Mr. Rohit Verma, Sr. Panel Counsel
for respondent-UOI.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, challenge is to the impugned order dated 30.05.2024 (Annexure P-3) passed by respondent No.4-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal') by which, the claim raised by the petitioner for the grant of benefit of disability pension has been declined by the Tribunal only on the ground of delay.

2. Learned counsel for the parties agree that the issue raised in the present petition is covered by the decision of the Hon'ble Supreme Court of India in **Civil Appeal No.5605 of 2010 decided on 25.06.2014 titled**

Sukhvinder Singh vs. Union of India and others, wherein, it has been held



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that even if, the disability suffered by any army personnel is assessed at less than 20% but the same leads to such circumstances where personnel concerned cannot discharge the duties assigned to him/her and has to be relieved from service, such a disability is to be treated as 20% so as to grant the benefit of disability pension to such a personnel concerned.

3. Learned counsel for the petitioner further submits that the said disability of 20% has to be rounded off to 50% keeping in view the judgment of the Hon'ble Supreme Court of India in ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761.***

4. Learned counsel for the respondent-UOI though concedes to the said settled principle of law but submits that the benefit of arrears should be restricted to a period of 03 years prior to the filing of the original application.

5. Learned counsel for the petitioner agrees that the benefit of arrears should be restricted to a period of 03 years prior to the filing of the original application, which was filed in the year 2019.

6. Keeping in view the above, impugned order dated 30.05.2024 (Annexure P-3) passed by respondent No.4-Tribunal is set aside. The petitioner is held entitled for the grant of benefit of disability pension for the disease "Contact Dermatitis Feet" from the date he was invalidated out from service i.e. 10.03.1985 including the benefit of rounding off of the disability element from 20% to 50% keeping in view the settled principle of law settled by the Hon'ble Supreme Court of India in ***Ram Avtar (supra)*** and as agreed between the parties, the benefit of arrears will only be admissible starting from the period of 03 years prior to the date of filing of original



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application by the petitioner.

7. Let the needful be done within a period of 08 weeks from the date of receipt of copy of this order.
8. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

January 28, 2026

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Whether speaking/reasoned : Yes
Whether reportable : No