



CWP-24859-2025

1

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

(250)

CWP-24859-2025

Date of Decision : May 14, 2026

Union of India and others

.. Petitioners

Versus

Ex. HAV Satnam Singh and another

.. Respondents

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

Present: Ms. Anita Balyan, Senior Panel Counsel, for the petitioners.

Mr. Simranjeet Singh, Advocate, for
Mr. Tarun K. Sharma, Advocate, for respondent No.1.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 29.08.2024 (Annexure P-1) passed by respondent No.2- Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal') by which, respondent No.1 has been granted the benefit of disability pension though, at the time of completion of terms of engagement, the disability suffered by him was assessed at less than 20%.

2. Learned counsel for the petitioners argues that as per rules governing the service where discharge is being done upon completion of the terms of engagement and at that point of time, the disability so assessed is less than 20%, the benefit of disability pension is not admissible as minimum percentage of disability required is 20% or above for grant of disability pension and the case of respondent No.1 is covered under the said

Rules governing, as after rendering 22 years of service, his tenure came to



CWP-24859-2025

2

an end and the disability so assessed at time of discharge from service was less than 20%.

3. Learned counsel appearing on behalf of respondent No.1 submits that even if, on completion of terms of engagement, the disability assessed is less than 20%, still as per the law laid down in judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No.5605 of 2010 titled as Sukhvinder Singh vs. Union of India and others, decided on 25.06.2014*** the same has to be treated as more than 20% for the purpose of grant of pensionary benefits hence, the order dated 29.08.2024 (Annexure P-1) passed by the Tribunal is perfectly valid and legal.

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

5. The said issue is no longer res integra as, as per the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No.10870 of 2018 titled as Union of India and others vs. Wing Commander S.P. Rathore, decided on 11.12.2019***, it has already been held that where the discharge from service is on completion of term and the disability assessed at the time of such discharge is less than 20%, the benefit of disability pension is not admissible. The relevant paragraph of the said judgment is as under:-

“2. We may make reference to the Defence Service Regulations Pension Regulations for the Air Force, 1961. Regulations 37(a) and (b) under the heading “Disability Pension – when admissible” read as follows :

“37 (a) An officer who is retired from air force service on account of a disability which is attributable to or aggravated by such service and is assessed at 20 percent or over may, on retirement be awarded disability pension consisting of a service



element and a disability element in accordance with the regulations in this section.

3. A bare reading of the aforesaid provision makes it clear that an officer of the Air Force who retires on attaining the age of superannuation is entitled to disability pension only if disability is assessed at 20% or above. Furthermore, this disability must be attributable or aggravated by service rendered in the Air Force.

(b) The question whether a disability is attributable to or aggravated by air force service shall be determined under the regulations in Appendix II.

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9. As pointed out above, both Regulation 37(a) and Para 8.2 clearly provide that the disability element is not admissible if the disability is less than 20%. In that view of the matter, the question of rounding off would not apply if the disability is less than 20%. If a person is not entitled to the disability pension, there would be no question of rounding off. ”

6. The reliance is being placed by the learned counsel for respondent No.1 upon the judgment in ***Sukhwinder Singh’s case (supra)***, is incorrect the same is only applicable where, an individual is discharge/invalidated out of service before completion of his/her prescribed engagement/service limit on account of disability which is attributable to or aggravated by military service and is assessed below 20%, he/she will be granted the entitled disability to pension determined in a manner given in Regulation 183 of Pension Regulations for Army Part-I (1961) by assuming the disability to be 20% and would be granted disability pension.

7. In the present case, the judgment of ***Sukhvinder Singh’s case (supra)***, will not be applicable rather, the judgment in ***Wing Commander***

S.P. Rathore’s case (supra) will be applicable. Hence, the order dated

**CWP-24859-2025****4**

29.08.2024 (Annexure P-1) passed by the Tribunal is perverse to the facts as well as settled principle of law, which cannot be sustained in the eyes of law and is accordingly set aside.

8. The present writ petition is allowed in above terms.
9. Civil miscellaneous application pending if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

May 14, 2026
harsha

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No