

2026:PHHC:046478



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

212

CWP-32255-2019

Decided On: 24.03.2026

KRISHNA PAL SINGH

....PETITIONER

VERSUS

UNION OF INDIA AND ORS

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Rajeev Anand, Sr. Advocate with
Mr. Aryan Singh, Advocate for the petitioner

Mr. HS Oberoi, Sr. Panel Counsel for respondent-UIO

SANDEEP MOUDGIL, J

Prayer

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *Mandamus* directing the respondent to grant and release the disability pensionary benefits in addition to normal service pensionary benefits in consonance and accordance with the Government Instructions and Circulars applicable to the injured personnel under the Central Civil Services (Extra Ordinary Pension) Rules, 1939 as amended up to date, particularly in the letter dated 12.10.2017 (P-9) along with arrears and interest @ 18% per annum thereupon from the date of retirement i.e. 30.11.2018 onwards till realization.

Brief Facts

2. The petitioner, Krishna Pal Singh, was enlisted in the Central Reserve Police Force (CRPF) as a Constable and later promoted to higher ranks during his service. While performing duties as an instructional staff during a grenade firing practice on 05.02.2002, a grenade accidentally burst, causing splinter injuries to the petitioner, particularly affecting his right eye. He was initially treated at RNT Medical College, Udaipur, and later shifted to Base Hospital, CRPF, Hyderabad, where he was declared in a low medical category due to complete loss of vision in the right eye.

3. A Board of Medical Officers assessed his condition and recommended that he be retained in service as he was capable of performing duties with one eye. The Departmental Rehabilitation Board also advised his continuation in service on light duties, and accordingly, he continued to serve and received further promotions over time. The incident causing injury was officially declared an accident attributable to service, and the petitioner was considered entitled to medical and other service benefits available to government employees suffering disability during service.

4. Despite sustaining permanent disability, the petitioner was retained in service until his superannuation on 30.11.2018 and was granted normal pensionary benefits. However, no disability pension was granted to him for the injury suffered during service. Hence, the present petition.

Contentions**On behalf of petitioner:**

5. The learned counsel for the petitioner contends that the petitioner sustained serious injuries in a grenade blast while performing official duties as part of training exercises and the said incident was duly examined by the competent

authorities, who declared the same to be an accident attributable to service. The injury resulted in complete loss of vision in the right eye of the petitioner, amounting to permanent disability. It is further contended that the disablement of the petitioner is directly connected with and attributable to government service, thereby squarely falling within the ambit of the Central Civil Services (Extraordinary Pension) Rules, 1939 and as per the said rules and the relevant government instructions, any injury sustained during the course of official duty entitles the employee to disability pension in addition to normal pensionary benefits.

6. Counsel submits that the petitioner was retained in service on light duties despite his disability and continued to discharge his functions until superannuation. The mere fact that the petitioner was not invalidated out of service cannot disentitle him from claiming disability pension, particularly when the injury has been accepted as service-related and resulted in permanent partial disablement. It is argued that the petitioner has suffered lifelong impairment and reduced earning capacity due to the injury sustained in the line of duty. The applicable rules and instructions provide for grant of disability pension in such circumstances, including both service element and disability element, especially in cases falling under Category 'E' relating to injuries sustained during operational or training duties.

7. The learned counsel also contends that despite clear entitlement under the statutory provisions and acknowledgment of the injury as attributable to service, the respondents have arbitrarily failed to grant disability pension to the petitioner. Such denial is unjust, illegal, and contrary to the beneficial object of the Extraordinary Pension Rules meant to compensate personnel injured in service.

On behalf of respondents

8. Learned counsel for the respondents contend that the writ petition is not maintainable, being misconceived and filed without full and correct disclosure of facts. It is submitted that although the petitioner sustained injury during service, he was never invalidated out of service; rather, upon medical examination he was found fit for light duties and was retained in service till superannuation. During this period, he was granted all service benefits, including promotions, financial upgradations, pay, and full superannuation pension.

9. It is further contended that disability pension under the CCS (Extraordinary Pension) Rules, 1939 is admissible only where an employee is declared permanently incapacitated and invalidated out of service, which is not the case here. The petitioner continued to serve, never sought invalidation, and even availed all benefits of service; hence, his claim after retirement is an afterthought.

10. Learned counsel for the respondents also submit that the provisions relied upon by the petitioner are inapplicable and have been misinterpreted, as they pertain to cases of invalidation or severe incapacitation, often in warlike or comparable situations. Since the petitioner was capable of performing duties, remained in service by choice, and retired on superannuation with full benefits, he is not entitled to disability or invalidation pension.

Analysis

11. I have heard learned counsel for the parties and perused the record. The foundational facts are not in dispute that the petitioner sustained injury to his right eye during grenade firing practice while on duty. The injury was examined by the competent authorities and the petitioner was thereafter placed in a low medical category. However, what is equally undisputed is that the petitioner was not

invalidated out of service at any point of time. On the contrary, upon medical assessment and recommendations of the Departmental Rehabilitation Board, he was found capable of performing light duties and was accordingly retained in service. He continued to serve the Force for a considerable period thereafter, availed promotions and financial upgradations, and ultimately retired on attaining the age of superannuation with full pensionary and retiral benefits.

12. The entire claim of the petitioner hinges upon the provisions of the Central Civil Services (Extraordinary Pension) Rules, 1939. A perusal of the said Rules makes it evident that disability pension is primarily envisaged in cases where an employee is invalidated out of service on account of disability or is found permanently incapacitated for further service. The scheme of the Rules clearly draws a distinction between cases of invalidation and those where an employee continues in service despite disability. In the present case, the petitioner admittedly continued in service till superannuation and was never declared unfit for further service.

13. The argument of the petitioner that mere sustaining of injury during the course of duty would *ipso facto* entitle him to disability pension cannot be accepted in the absence of invalidation or permanent incapacitation in terms of the applicable Rules. The record rather reflects that the petitioner was considered fit for light duties, was retained as a welfare measure, and continued to discharge duties without any complaint, thereby negating the plea of total or functional incapacitation.

14. It is also significant that the petitioner never sought invalidation during service and chose to continue in employment, deriving all consequential benefits, including promotions and financial upgradations. Having accepted such

benefits and completed service till superannuation, the claim for disability pension raised after retirement appears to be an afterthought and not in consonance with the statutory framework governing such claims.

15. Learned counsel for the petitioner has placed reliance on the judgment passed by this Court in the case of “**Lance Naik Ashok Kumar vs. Union of India**”; passed in CWP-7807-2018. The said judgment, however, is clearly distinguishable on facts. In that case, the petitioner had voluntarily retired after sustaining injury, and the issue of entitlement to disability pension arose in the context of such voluntary retirement. The factual matrix in the present case is materially different inasmuch as the petitioner herein continued in service till superannuation, was never invalidated, and was found fit to perform duties, albeit of a lighter nature. Therefore, the ratio of the said judgment cannot be extended to the present case.

16. In view of the above facts and circumstances, this Court is of the considered opinion that the petitioner has failed to establish any legal right to claim disability pension under the applicable Rules.

Conclusion

16. Consequently, the present writ petition, being devoid of merit, is dismissed.

17. Pending applications, if any, stand disposed off.

(SANDEEP MOUDGIL)
JUDGE

24.03.2026

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No