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

(203) CWP-28247-2025
Date of Decision : January 22, 2026

Union of India and others .. Petitioners

Versus

Ex. Rect. Harish Kumar and another .. Respondents

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

Present: Mr. Rajiv Sharma (Hisarwale), Senior Central Govt. Counsel,
with Mr. Vinayak Atre, Advocate, for the petitioners-UOI.

Mr. Navdeep Singh, Senior Advocate, with
Ms. Roopan Atwal, Advocate, for respondent No.1.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 20.04.2023 (Annexure P-1) passed by respondent No.2- Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal') by which, the benefit of invalid pension has been given to respondent No.1.

2. Learned counsel appearing on behalf of the petitioners argues that even for the grant of invalid pension, the recruit concerned should have rendered minimum service of 10 years, which is not completed in the present case and further, respondent No.1 in the present petition was only undergoing training during which he was invalided out from service especially when only six months period has been spent by the respondent No.1 and even the training was yet to complete and therefore, the grant of invalid pension, in the facts and circumstances of the present case, is



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3. Learned counsel for the petitioners submits that even if it is assumed for the sake of argument that invalid pension is to be granted but the same was only to be granted starting from 04.01.2019 onwards and as the case of respondent No.1 was invalidated prior to the said date, the invalid pension itself could not have been granted under any circumstances, which fact has been ignored by the Tribunal while granting the relief.

4. Learned Senior Counsel appearing on behalf of respondent No.1 submits that the arguments which have been raised by the learned counsel for the petitioners have already been dealt with in earlier judgments and that too by the Hon'ble Supreme Court of India and similarly situated recruits were held entitled for the invalid pension.

5. Learned Senior Counsel for respondent No.1 further submits that the Hon'ble Supreme Court of Indian in ***SLP (C) No.20339 of 2011 titled as Union of India and others vs. P.A.Thomas, decided on 14.03.2019***, held that no length of service is prescribed for the grant of invalid pension and the same can be granted even if, the length of service is less than 10 years.

6. Learned Senior Counsel for respondent No.1 further submits that in ***Civil Appeal No. 16438-16440 of 2017 titled as Ex. Rect. Mithlesh Kumar vs. Union of India and others, decided on 27.10.2017***, the benefit of invalid pension was granted to a recruit as well hence, both the arguments raised by the learned counsel for the petitioners are contrary to the settled principle of law settled by the Hon'ble Supreme Court of India in above noted cases.



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

8. The only issue raised is that whether, a recruit who is yet to complete the training can be granted invalid pension or not.

9. Learned counsel for the petitioners has not been able to rebut the fact that in ***Mithlesh Kumar's case (supra)***, the case was of a recruit who was also undergoing the training but was held entitled for the invalid pension.

10. Further, the argument raised at the hands of the learned counsel for the petitioners that minimum 10 years service is required for the grant of invalid pension is contrary to the principle of law settled by the Hon'ble Supreme Court of India in ***P.A. Thomas's case (supra)***.

11. Learned counsel for the petitioners has not been able to rebut the said settled principle of law.

12. Further, the argument raised by the learned counsel for the petitioners is that invalid pension can only be granted prospectively from 01.01.2019 onwards whereas, the case of respondent No.1 related to a period prior to that.

13. It may be noticed that a Coordinate Bench of this Court in ***CWP No.28442 of 2023 titled as Union of India and others vs. Sandeep Kumar and another, decided on 07.01.2025*** has already set aside the said condition imposed by the Government of India that the grant of invalid pension will be prospectively starting from 04.01.2019 onwards keeping in view the judgment in ***P.A. Thomas's case (supra)***, which has also been noticed by the Coordinate Bench of this Court and held that Soldiers



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invalidated prior to 2019 are also entitled for the benefit of invalid pension.

14. Keeping in view the totality of the circumstances, the arguments which have been raised at the hands of the learned counsel for the petitioners cannot be accepted keeping in view the settled principle of law noticed hereinbefore.

15. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

16. Accordingly, the writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

January 22, 2026
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No