



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

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CWP-32988-2024

Date of Decision : 22.01.2026

Union of India and others

....Petitioners

Versus

Ex. LNK Dhanraj and another

....Respondents

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

Present: Ms. Shalini Attri, Senior Panel Counsel
for the petitioners.

Mr. Randeep Punia, Advocate
for respondent No.1

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 03.11.2023 (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 held entitled to benefit of service element of disability pension on the ground that the same is perverse.

2. The learned counsel for the petitioner argues that the benefit of service element of disability pension can only be granted in case, the officer concerned has rendered 15 years of service as qualifying service as per rules governing the service and hence, grant of service element of disability pension in favour of respondent No.1, who has not rendered 15 years of service, is arbitrary and illegal.



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

4. In the present petition, the respondent No.1 joined the Territorial Army on 01.02.2002 and was discharged in a low medical category on 31.01.2019. He had rendered 12 years 06 months and 29 days of service at time of his discharge. At the time of discharge, the Medical Board examined the respondent No.1 and found that he was suffering from disability of “*B/L SNHL (ICD CODE-H90.3)*”, which ailment was assessed to have been aggravated by the military service and the disability was assessed to the tune of 40% for life.

5. Learned counsel for the petitioner has not been able to dispute that the said ailment had led to the discharge of respondent No.1 from service.

6. Once, it is only due to said ailment, which has been assessed to have been aggravated by the military service, the respondent No.1 was discharged from service and nothing has been brought to the notice of this Court that even under such circumstances, where a person has been suffering from disability due to military service, 15 years of service is required to be undergone as qualifying service before the grant of disability pension.

7. It should be noted that grievance which has been raised by the petitioner is only due to the fact that the petitioners are confusing between the terms ‘service pension’ and ‘service element’, as while granting the benefit of disability pension, both the elements, i.e. service element and disability element is to be granted, and as per rules and governing the service benefit of disability element will also carry the service element along with disability element.



9. The said issue has already been settled by the Hon'ble Supreme Court of India in **Civil Appeal No.4714-4715 of 2012** titled as ***Union of India and others vs. V.R.Nanukuttan Nair***, the relevant paragraph of the said judgment is as under:-

“11. The disability pension has two elements: disability element and the service element. The disability element is in relation to the extent of disability suffered by an individual whereas the service element is to be granted keeping in view of rules and regulations. Service pension and service element are synonymous. The expression service element is used in the case of payment of disability pension whereas, service pension is used for the pension payable on account of services rendered.

12. In the present case, we are concerned with the situation where the individual has completed his period of engagement in the low medical category but not the qualifying service for pension in terms of Regulation 78 of the Regulations. The question is whether the applicant is entitled to service element of disability pension corresponding to the number of years he has put in the service of Navy.

19. In view of the principles of interpretation relating to Casus Omissus, we find that a reading of the Regulations does not lead to an inference that the service element should be limited to an individual who has completed minimum 15 years of engagement. Regulation 78 cannot be read into Regulation 105B when no such qualification is provided in Regulation 105B.”

10. No other argument has been raised.

11. Hence, in the absence of any perversity being pointed out in the impugned order dated 03.11.2023 (Annexure P-1) either on the basis of the facts or the settled principle of law, no ground is made out for any interference by this Court in the facts and circumstances of the present



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case.

- 12. Accordingly, the writ petition is dismissed.
- 13. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

January 22, 2026
Varinder

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No