



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-34339-2025 (O&M)
Date of Decision :06.05.2026

Chamkaur Singh

...Petitioner

Versus

Union of India and others

...Respondents

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

Present: Mr. Shalindera Sharma, Advocate for the petitioner.

Ms. Bhavana Datta, Senior Standing 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 18.01.2024 (Annexure P-1) passed by respondent No.5-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal') by which, the claim of the petitioner for the grant of benefit of disability pension has been declined by the Tribunal.

2. Learned counsel for the petitioner submits that the petitioner was found to be suffering from disabilities of (i) Alcoholic Liver Disease (ii) Alcohol Dependence Syndrome and (iii) Idiopathic Generalised Epilepsy during his second service with D.S.C. Learned counsel for the petitioner further submits that even though disability of (i) Alcoholic Liver Disease @ 30% (ii) Alcohol Dependence Syndrome @ 40% were treated as neither attributable to nor aggravated by military service by bringing into play regulation governing, so as to contend that the same was because of his own acts and habits but the said view cannot be taken in respect of disability No.



(iii) Idiopathic Generalised Epilepsy @ 20%. Learned counsel for the petitioner submits that once, at the time of enrollment, the petitioner was found not to be suffering from the said disease, the only presumption which can be drawn is that same was contracted with during his service in military so as to hold him entitled for the grant of disability element keeping in view the settled principle of law settled by Hon'ble Supreme Court of India in ***Dharamvir Singh vs. Union of India and others, (2013) 7 SCC 316*** and further benefit of rounding off in view of the judgment of Hon'ble Supreme Court of India in ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761***.

3. On the other hand, learned counsel for the respondent-UIO submits that once, the petitioner was found to be suffering from the disabilities i.e. 'Alcoholic Liver Disease' and 'Alcohol Dependence Syndrome', which were the result of his own acts and habits, he is not entitled for the grant of benefit of disability pension and hence, the impugned order passed by the Tribunal is perfectly valid and legal. Learned counsel for the respondents further places reliance upon the report of medical examination of petitioner to contend that though, the disability of 'Idiopathic Generalised Epilepsy' @ 20% has been found to be existing in respondent No.1, but the said disability has been held to be 'neither attributable to nor aggravated by military service'. Hence, the benefit of disability pension even in respect of the said disability, cannot be granted to the petitioner.

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

It may be noticed that as per judgment in ***Dharamvir Singh's***



case (supra) in a case where army personnel is found to be fit at the time of enrolment, and has later found to be contracted with a disease, same is presumed to have been aggravated by and attributable to military service. The relevant para Nos.30, 32 and 33 of the judgment in **Dharamvir Singh's** case (supra) are as under:-

30. In the present case it is undisputed that no note of any disease has been recorded at the time of appellant's acceptance for military service. The respondents have failed to bring on record any document to suggest that the appellant was under treatment for such a disease or by hereditary he is suffering from such disease. In absence of any note in the service record at the time of acceptance of joining of appellant it was incumbent on the part of the Medical Board to call for records and look into the same before coming to an opinion that the disease could not have been detected on medical examination prior to the acceptance for military service, but nothing is on the record to suggest that any such record was called for by the Medical Board or looked into it and no reasons have been recorded in writing to come to the conclusion that the disability is not due to military service. In fact, non-application of mind of Medical Board is apparent from Clause (d) of paragraph 2 of the opinion of the Medical Board, which is as follows:

“(d) In the case of a disability under C the board should state what exactly in their opinion is the cause thereof. YES Disability is not related to mil service”

32. In spite of the aforesaid provisions, the Pension Sanctioning Authority failed to notice that the Medical Board had not given any reason in support of its opinion, particularly when there is no note of such disease or disability available in the service record of the appellant



at the time of acceptance for military service. Without going through the aforesaid facts the Pension Sanctioning Authority mechanically passed the impugned order of rejection based on the report of the Medical Board. As per Rules 5 and 9 of 'Entitlement Rules for Casualty Pensionary Awards, 1982', the appellant is entitled for presumption and benefit of presumption in his favour. In absence of any evidence on record to show that the appellant was suffering from "Generalised seizure (Epilepsy)" at the time of acceptance of his service, it will be presumed that the appellant was in sound physical and mental condition at the time of entering the service and deterioration in his health has taken place due to service.

33. As per Rule 423(a) of General Rules for the purpose of determining a question whether the cause of a disability or death resulting from disease is or is not attributable to service, it is immaterial whether the cause giving rise to the disability or death occurred in an area declared to be a field service/active service area or under normal peace conditions.

"Classification of diseases" have been prescribed at Chapter IV of Annexure I; under paragraph 4 post traumatic epilepsy and other mental changes resulting from head injuries have been shown as one of the diseases affected by training, marching, prolonged standing etc. Therefore, the presumption would be that the disability of the appellant bore a casual connection with the service conditions."

7. Hence, the disability of '*Idiopathic Generalised Epilepsy*' @ 20% alone is good enough to grant the benefit of disability pension.

8. Further, as per the settled principle of law settled by the Hon'ble Supreme Court of India in ***Ram Avtar' case (supra)***, wherein it has



been held that an Armed Forces personnel is entitled to be granted the benefit of rounding off with regard to disability pension, irrespective of the fact that he was invalidated out of service, or retired on attaining the age of superannuation or on completion of his tenure of his engagement, if found to be suffering from some disability which is attributable or aggravated by the Military service. Relevant paras of the judgment in **Ram Avtar's case** (*supra*) are as under:-

“4. By the present set of appeals the appellant(s) raise the question, whether or not, an individual, who has retired on attaining the age of superannuation or on completion of his tenure of engagement, if found to be suffering from some disability which is attributable to or aggravated by the military service, is entitled to be granted the benefit of rounding-off of disability pension. The appellant(s) herein would contend that, on the basis of Circular No. 1(2)/97/D(Pen-C) issued by the Ministry of Defence, Government of India, dated 31.01.2001, the aforesaid benefit is made available only to an Armed Forces Personnel who is invalidated out of service, and not to any other category of Armed Forces Personnel mentioned hereinabove.

5. We have heard learned counsel for the parties to the lis.

6. We do not see any error in the impugned judgment(s) and order(s) and therefore all the appeals which pertain to the concept of rounding-off of the disability pension are dismissed, with no order as to costs.

7. The dismissal of these matters will be taken note of by the High Courts as well as by the Tribunals in granting appropriate relief to the pensioners before them, if any, who are getting or are entitled to the disability pension.”

9. Learned counsel for the respondents has not been able to dispute the said proposition of law having been settled by the Hon'ble Supreme Court of India in **Ram Avtar's case** (*supra*) to the effect that percentage of disability is to be rounded off from 20% to 50%.



titled as Union of India and others vs. Reet MP Singh and another, decided on 01.09.2025, the Hon'ble Supreme Court of India by placing reliance upon *Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761* as well as *Bijender Singh vs. Union of India and others, 2025 SCC Online SC 895*, has again reiterated that the benefit of rounding off the disability element cannot be denied.

11. Keeping in view the facts and circumstance of the present case as well as the settled principle of law settled in *Dharamvir Singh's* case (supra), *Ram Avtar's* case (supra) as well as *Reet M.P. Singh (supra)* once at the time of enrolment, petitioner was medically examined and was found to be fit in all respects and it was only during his service period that petitioner was found to be suffering from "Idiopathic Generalised Epilepsy" that being so, the said disability has to be attributed to the military service and the unsubstantiated report of Medical Board cannot take away the right of petitioner to claim the benefit of disability pension and that too, by rounding off the disability. Hence, the petitioner is held to be entitled for the grant of disability pension @ 50% from his date of discharge from service.

12. Hence, the impugned order dated 18.01.2024 (Annexure P-1) begin perverse to settled principle of law, is set aside and the present writ petition is accordingly allowed.

13. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

May 06, 2026

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Whether speaking/reasoned : Yes
Whether reportable : No