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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-38715-2025

Date of Decision : 08.04.2026

NACHHATTAR SINGH

.....Petitioner

VERSUS

UNION OF INDIA AND OTHERS

.....Respondent

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

Present: Mr. Navdeep Singh, Senior Advocate with
Mr. Rajat Chauhan, Advocate and
Ms. Japuji Sidhu, Advocate
for the petitioner.

Ms. Neha Jaggi, Senior Panel Counsel,
for the respondents-Union of India.
(joined through V.C.).

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the challenge is to the impugned order dated 30.10.2023 (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 War Injury pension has been granted to the petitioner from 26.09.1974 but the arrears have been restricted to a period of three years prior to the filing of the Original Application on the ground that the petitioner approached the Tribunal after a delay.

2. Learned Senior counsel for the petitioner submits that the issue with regard to of benefit of arrears for whole of the intervening period, as per the settled principle of law has been settled by the Hon’ble Supreme Court of India in *Civil Appeal No.3086 of 2012 titled “Balbir Singh vs. Union of India and others”*, decided on 08.04.2016, wherein it has been

held that when a benefit has been illegally held back, the arrears cannot be restricted.

3. Learned Senior counsel for the petitioner submits that the impugned order dated 30.10.2023 (Annexure P-1) passed by the Tribunal restricting the arrears to a period of three years prior to filing of the Original Application, is contrary to the settled principle of law settled by the Hon'ble Supreme Court of India in ***Balbir Singh's case (supra)***.

4. Learned counsel for the respondents has not been able to dispute the settled principle of law on the said issue but submits that the petitioner should have been vigilant enough to raise the claim at the appropriate time rather than delaying the same, which delay was considered by the Tribunal to restrict the arrears for a period of three years.

5. We have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

6. Once, the issue with regard to the payment of arrears upon adjudicating the entitlement has already been decided by the Hon'ble Supreme Court of India in ***Balbir Singh's case (supra)*** to hold that the arrears cannot be restricted hence, the impugned order dated 30.10.2023 (Annexure P-1) passed by the Tribunal is perverse to the said settled principle of law. The relevant paragraph of the said judgment is as under:-

“XXX...The Tribunal was therefore justified in restoring the service element of the pension in favour of the appellant. The question however is whether the arrears could have been restricted to three years only. The Tribunal in our view need not have done so. That is because the appellant had a right to receive service element of the pension in light of Regulation 186 (supra), which right was valuable and ought to have been protected. We accordingly allow this appeal and modify the order passed by the Tribunal with the direction that the appellant shall be paid service element of the pension with effect from the date the said payment was stopped by the

respondents. We however grant to the respondents three months time to calculate and release the arrears in favour of the appellant. In case the needful is not done within the time stipulated, the arrears payable to the appellant shall start earning interest at the rate of 9% from the date the period of three months expires till actual payment of the amount.”

7. Learned counsel for the respondents has not been able to dispute the said principle of law hence, not applying the same in case of the petitioner, will be perverse.

8. Hence, the impugned order dated 30.10.2023 (Annexure P-1) passed by the Tribunal to the question denying the total arrears of the petitioner upon adjudicating his claim for the grant of War Injury Pension from 26.09.1974, is set aside.

9. Present petition is disposed of.

10. Let the arrears be also released in favour of the petitioner from the date, he is found entitled to the grant of War injury pension, as per the terms mentioned in the impugned order dated 30.10.2023 (Annexure P-1) passed by the Tribunal, within a period of *three months* from the receipt of copy of this order.

(HARSIMRAN SINGH SETHI)
JUDGE

08-04-2026
Sapna Goyal

(DEEPAK MANCHANDA)
JUDGE

NOTE: Whether speaking/ reasoned: YES
Whether reportable: NO