

101 CM-5494-CWP-2026 IN CWP-38732-2025

GURBACHAN SINGH
VS
UNION OF INDIA AND OTHERS

Present: Mr. Navdeep Singh, Sr. Advocate with
Ms. Roopan Atwal, Advocate and
Mr. Rajat Chauhan, Advocate for the applicant-petitioner.

Mr. Anandeshwar Gautam, Sr. Panel Counsel
for Union of India.

1. The present application has been filed for correction of the order dated 17.03.2026 in CWP-38732-2025.

2. Learned Senior Counsel submits that in para No.11, the benefit has been ordered to be given from the entitled date of retirement, however, the same was intended to be given only from the entitled date i.e., 01.01.2006, whereas, the retirement took place in the year 1984.

3. In view of the above, para No.11 of the order dated 17.03.2026 is ordered to be corrected to the effect 'from the entitled date i.e. 01.01.2006' instead of 'from the entitled date of retirement' and the corrected order be uploaded.

4. The application stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(YASHVIR SINGH RATHOR)
JUDGE

17.04.2026
Amandeep



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

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**CWP-38732-2025 (O&M)
Date of decision: 17.03.2026**

GURBACHAN SINGH

....PETITIONER

VERSUS

UNION OF INDIA AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Navdeep Singh, Sr. Advocate with
Mr. Rajat Chauhan, Advocate
for the petitioner.

Dr. Anandeshwar Gautam, Senior Panel Counsel
for Union of India.

HARSIMRAN SINGH SETHI, J.

1. In the present petition, the challenge is to the limited part of the order dated 14.08.2024 (Annexure P-1) passed by the learned Armed Forces Tribunal, whereby the arrears of pension of the last rank held by the petitioner have been restricted to three years.

2. Learned Senior Counsel appearing on behalf of the petitioner argued that though, the entitlement of the grant of pensionary benefits has been decided in favour of the petitioner by the Tribunal but the arrears have been restricted for three years, which is not legally sustainable. It is contended that the said issue has already been decided by the Co-ordinate Bench while passing order in CWP No.23968 of 2024 decided on 20.01.2025 titled **Union of India and Ors. Vs. EX JWO Roshan Lal Yadav and Anr.**, wherein, the grant of



benefit by the Id. Armed Forces Tribunal from the entitled date was challenged by the Union of India and such benefit granted from the entitled date has been upheld by the Id. Co-ordinate Bench. Accordingly, it is argued that the view taken by the Co-ordinate Bench that the arrears cannot be restricted once, the entitlement is not disputed.

3. Learned counsel for the respondents submits that even if, the entitled benefit was to be granted to the petitioner on the day when the petitioner retired but still, in case the non-grant of the same was causing prejudice, he sought to have approached the Court at the earliest. It is contended that in view of the delay in approaching the Court and also the facts and circumstances of the present case, the Tribunal rightly restricted the arrears.

4. We have heard learned counsel for the parties and have gone through the material on record.

5. It may be noticed that the grant of entitled pension is the duty of the State, being a welfare State. The non-grant of such pensionary benefit, has been held that the same cannot be denied on account of delay. In case, an entitled pensionary benefit cannot be denied on account of delay, the arrears flowing therefrom also cannot be restricted. Further, the Tribunal in some cases have granted the complete arrears and in some cases, the benefit of arrears were restricted.

6. The case of '**Union of India Vs. Roshan Lal Yadav & Anr.**', CWP No.23968 of 2024, somewhat falls in similar circumstances, wherein, full arrears were granted, which was challenged by the Union of India and the writ petition was dismissed holding that the benefit of arrears from the entitle date is valid.



7. The Co-ordinate Bench relied upon the judgment of the Hon'ble Supreme Court in Civil Appeal No.7366-7367 of 2011 titled **Union of India and Others Vs. Ex JWO Bharat Singh Khatana**, decided on 29.01.2010, wherein, it has been held that the pensionary benefit once found entitled to, the arrears have to be granted from the date of entitlement and the same cannot be curtailed. Learned counsel for the Union of India has not been able to dispute the said proposition of law settled by the Co-ordinate Bench.

8. By applying the same ratio, as laid down by the Co-ordinate Bench on the basis of the aforesaid judgment of the Hon'ble Supreme Court of India in Civil Appeal No.7366-7367 of 2011, denying of the benefits of full arrears, is contrary to the settled principle of law.

9. With regard to the grievance of petitioners qua grant of benefit of arrears for whole of the intervening period, as per the settled principle of law 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 also the question for consideration was regarding limiting the benefits of arrears admissible for a period of three years, wherein the benefit of arrears for the entire period, as was being claimed by the claimant was granted to the claimant, the Hon'ble Supreme Court of India held 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.”

10. Even otherwise, while dealing with issue with regard to grant of arrears on account of payment of entitled pension, the Hon’ble Supreme Court of India in ***Civil Appeal No. 6820-6824 of 2018 titled as Union of India through its Secretary and others vs. SGT Girish Kumar and others etc, decided on 12.02.2026*** has held that whenever the entitlement is proved and that too qua pensionary benefits, the benefit of qua such pension has to be extended from the date of retirement.

11. Keeping in the view above, the order passed by the Tribunal restricting the arrears cannot be sustained and the petitioner is held entitled to arrears from the entitled date i.e. 01.01.2006. Let the same be paid within a period of eight weeks from the date of the receipt of copy of this order and the judgment of the Tribunal is accordingly modified.

12. The writ petition accordingly stands allowed in the above terms.

13. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

17.03.2026
Vishal Vardhan

(YASHVIR SINGH RATHOR)
JUDGE

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