



CWP-5069-2025 (O&M); CWP-7786-2025 (O&M); CWP-7874-2025 (O&M)

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

1.

CWP-5069-2025 (O&M)

UNION OF INDIA AND OTHERS

. . . . Petitioners

Vs.

No.3363188-W EX SEP SWARAN SINGH AND ANOTHER

. . . . Respondents

2.

CWP-7786-2025 (O&M)

UNION OF INDIA AND OTHERS

. . . . Petitioners

Vs.

IC-38479A COLONEL ASHOK CHAUDHARY (RETD) AND ANOTHER

. . . . Respondents

3.

CWP-7874-2025 (O&M)

UNION OF INDIA AND OTHERS

. . . . Petitioners

Vs.

No.01462646 EX HAV (HONY NB SUB) RAMESH CHAND AND
ANOTHER

. . . . Respondents

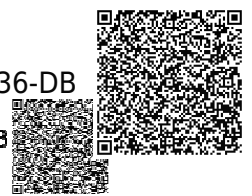
Date of Decision: 13.05.2025

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE H.S. GREWAL**

Present: Ms. Geeta Singhwal, Sr. Panel Counsel
for the petitioners in CWP-5069-2025.

Mr. Rohit Verma, Sr. Panel Counsel
for the petitioners in CWP-7786-2025.

Ms. Neha Jain, Sr. Panel Counsel
for the petitioners in CWP-7874-2025.

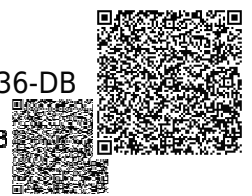


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SANJEEV PRAKASH SHARMA, J.(Oral)

1. By this common order, these writ petitions are being disposed of as the issue involved is same. For the sake of brevity, facts are being derived from writ petition No.CWP-5069-2025.
2. Learned counsel appearing for the petitioners submits that the disability element of disability pension as rounded off to 50% from the date of Review Medical Board i.e. from 06.03.2009 was unjustified.
3. We find that the Armed Forces Tribunal (AFT) followed the judgment passed by the Supreme Court in ***K.J.S. Buttar vs. Union of India, 2011 STPL (Web) 316 SC***, as well as final judgment passed in the case of ***Union of India vs. Ram Avtar, Civil Appeal No.418/2012 decided on 10.12.2014***, to direct payment of the arrears.
4. We notice that on 06.03.2009, respondent No.1 was re-assessed to disability of 30% with effect from 06.03.2009, whereas the same was required to be rounded off in view of the final judgment passed in ***Ram Avtar (supra)***. However, the rounding off was not done by the petitioners which prompted the concerned respondents/ex-servicemen to approach the Armed Forces Tribunal (AFT).
5. The AFT has accordingly passed an order rounding off disability element of disability pension @50%.
6. Learned counsel for the petitioners has informed about an interim order dated 09.05.2025 passed in ***SLP No.21084/2025 titled as 'Union of India and others vs. Azad Singh***, wherein the Supreme Court has stayed the operation of the directions for arrears beyond three years



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before filing of the application, relying on an earlier order passed in the case of ***Union of India through its Secretary and others vs. SGT Girish Kumar and others in Civil Appeal Nos.6820-6824/2018***, wherein it was at the behest of the ASG who stated that the arrears for the period of three years prior to the date of filing of the original application would be paid.

7. The consent of Additional Solicitor General cannot be said to be a law laid down by the Apex Court for payment of arrears for only three years prior to filing of application.
8. In our opinion, liberal interpretation has to be given to the laws, and to limit claim only to a period of three years would be a travesty of justice.
9. Even in ***Bijender Singh vs. Union of India and others, 2025 SCC Online SC 895, decided on 23.04.2025***, while granting the benefit of rounding off the disability element of disability pension to 50%, the payment has not been restricted to three years alone. It held as under:

“47. Thus having regard to the discussions made above, we are of the considered view that the impugned orders of the Tribunal are wholly unsustainable in law. That being the position, impugned orders dated 22.01.2018 and 26.02.2016 are hereby set aside. Consequently, respondents are directed to grant the disability element of disability pension to the appellant at the rate of 50% with effect from 01.01.1996 onwards for life. The arrears shall carry interest at the rate of 6% per annum till payment. The above directions shall be carried out by the respondents within three months from today.”



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10. In view of the aforesaid binding law of precedent of the Supreme Court, we are bound to follow the same, and the AFT has therefore rightly granted the benefits of arrears.
11. We also notice that once a final judgment has been passed by the Supreme Court laying down a law, it is binding on the Union of India to follow it for all. We are daily finding ex-servicemen approaching the AFTs for their rights which stand already crystallized by final judgments of the Supreme Court. Unnecessary litigation is being burdened both before the AFT as well as before this Court on account of insensitiveness and an attitude for not complying with the Supreme Court's judgments which have attained finality. We deplore the approach adopted by the Union of India towards their own ex-Army personnels.
12. In view of aforesaid, present petitions stand *dismissed*.
13. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

(H.S. GREWAL)
JUDGE

13.05.2025

Mohit goyal

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| 1. Whether speaking/reasoned? | <i>Yes/No</i> |
| 2. Whether reportable? | <i>Yes/No</i> |