

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case No: - OWP No. 754/2006

Date of Pronouncement: 02.07.2026
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Ravi Kumar (Ex-Sepoy No. 3992390)
Age 32 years son of Sh. Mangu Ram
Resident of village Parian P. O.GHO
Brahman, Tehsil Samba District Jammu.

.... Petitioner(s)

Through: Mr. H. A Qureshi, Advocate.

Vs

1. Union of India through Ministry of Defence and Home Affairs, New Delhi.
2. Commandant 8 Dogra Regiment C/o 56 APO.
3. State of Jammu and Kashmir Through Chief Secretary to Government Civil Sect, Srinagar/Jammu.
4. Commissioner Secretary to Government Home Department, Civil Sect, Srinagar/Jammu
5. Commissioner Secretary to Government, Power Department, Civil Sect, Srinagar/Jammu.

..... Respondent(s)

Through: Mr. Vishal Sharma, (DSGI) with
Mr. Sumant Sudan, Advocate

Coram: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
02.07.2026

01. Heard parties through their respective counsels.
02. It is noticed that on earlier occasions, while hearing the parties, this Court had observed that the respondents' own communications

unequivocally acknowledge the petitioner as a Battle Casualty of Operation Vijay'. Notwithstanding such acknowledgment, the petitioner has been denied the benefits under the welfare package financed from the National Defence Fund, which was specifically formulated for soldiers invalidated out of service on account of battle casualties sustained during Operation Vijay (Kargil).

03. The petitioner has placed reliance upon Communication No. B/45406/NDF/AG/R&W dated 22.06.2000, contending that he squarely falls within the ambit of the said welfare package and is, therefore, entitled to the benefits envisaged therein. The relevant provisions of the communication have been extracted in the writ petition.
04. It is further noteworthy that the present writ petition has remained pending before this Court since the year 2006. By order dated 17.11.2022, this Court had directed the respondents to obtain specific instructions with regard to the petitioner's entitlement to the reliefs claimed in the writ petition. Despite repeated opportunities, no meaningful instructions were forthcoming. Consequently, by order dated 18.07.2023, this Court recorded its expectation that the Union of India would, without compelling this Court to undertake an adjudication on the petitioner's claim, consider extending to him, as an exceptional measure, the benefits claimed in the writ petition, which, according to the petitioner, are otherwise due to him as a matter of right.
05. Today, learned counsel appearing for the respondents submitted that the petitioner cannot claim the ex-gratia compensation sought in the present

writ petition as he has already been extended all benefits admissible to a battle casualty. It is submitted that, at the time of his discharge from service, the petitioner was diagnosed as a case of "Amputation through Shoulder (Right), Partially Mutilated Hand (Left) and Extensive Burn Scars over the Chest, Abdomen and Scalp," which injuries were sustained while he was deployed in an operational area.

06. It is further submitted that although the petitioner's injuries were duly classified as a Battle Casualty, and he has accordingly been granted all admissible battle casualty benefits, including War Injury Pension, he is not entitled to the benefits under the welfare package dated 22.06.2000, particularly the ex-gratia assistance of Rs.6,00,000/- from the National Defence Fund. According to the respondents, the said welfare package is confined only to those personnel who were invalidated out of service on account of injuries sustained during Operation Vijay (Kargil Sector).
07. Elaborating the aforesaid submission, learned counsel contended that although the petitioner suffered Extensive Electric Burns, the injuries were not sustained in the Kargil Sector during Operation Vijay. It is, therefore, contended that the petitioner does not satisfy the eligibility criteria prescribed under the communication dated 22.06.2000 and is consequently not entitled to the ex-gratia financial assistance of Rs.6,00,000/- from the National Defence Fund. It is, however, fairly admitted that the petitioner was paid financial assistance of Rs.1,00,000/, being the amount admissible under the applicable policy, which was released in two instalments during the year 2001.

08. Learned counsel for the respondents further prayed that the objections already filed on behalf of the respondents be treated as their counter affidavit in the present proceedings.
09. At the threshold, learned counsel for the respondents also raised an objection with regard to the maintainability of the present writ petition. It was contended that the dispute raised by the petitioner falls within the jurisdiction of the Armed Forces Tribunal constituted under the Armed Forces Tribunal Act, 2007, and that this Court ought to transfer the present proceedings to the said Tribunal for adjudication in accordance with law.
10. *Per contra*, learned counsel appearing for the petitioner opposed the preliminary objection by submitting that when the present writ petition was instituted in the year 2006, the Armed Forces Tribunal had not yet been constituted and, therefore, the petitioner had rightly invoked the extraordinary writ jurisdiction of this Court. It was further submitted that the writ petition has remained pending before this Court for almost two decades, during which substantial proceedings have taken place and the matter is now ripe for final adjudication. In such circumstances, it is contended, relegating the petitioner to the remedy before the Armed Forces Tribunal by transferring the proceedings at this belated stage would neither serve the ends of justice nor advance the cause of expeditious adjudication.
11. The principal question that arises for consideration is whether the petitioner, whose injuries have admittedly been classified by the

respondents themselves as Battle Casualty injuries, is entitled to the benefit of the welfare package circulated vide Communication No. B/45406/NDF/AG/R&W dated 22.06.2000, particularly the ex-gratia financial assistance of Rs.6,00,000/- from the National Defence Fund.

12. There is no dispute with regard to the foundational facts. The petitioner was invalidated out of military service after sustaining grievous injuries while serving in an operational area. The respondents themselves have consistently acknowledged the petitioner's injuries as constituting a Battle Casualty. It is equally undisputed that on account of such injuries the petitioner has been granted War Injury Pension and other service benefits admissible to a battle casualty. Thus, the status of the petitioner as a Battle Casualty is no longer res integra and, indeed, stands admitted by the respondents.
13. The sole basis on which the respondents seek to deny the petitioner the benefit of the Communication dated 22.06.2000 is that although the petitioner suffered battle casualty injuries during the period of Operation Vijay, the injuries were not sustained in the Kargil Sector, and, therefore, according to them, he falls outside the ambit of the said welfare package.
14. The aforesaid contention deserves to be examined in the light of the language employed in the Communication dated 22.06.2000. A plain reading of the communication reveals that the welfare package was conceived as a measure of financial assistance for personnel invalidated out of service on account of battle casualties sustained during Operation Vijay. The communication being a beneficial policy intended to provide

succor to soldiers who suffered permanent disablement in the course of military operations, deserves to receive a liberal and purposive construction rather than a narrow or hyper-technical interpretation.

15. It is a settled principle of law that beneficial schemes framed for the welfare of members of the Armed Forces, particularly those who have suffered permanent disabilities while defending the nation, must be interpreted in a manner that advances the object sought to be achieved and not in a manner that defeats it. Once the respondents themselves have accepted that the petitioner suffered a battle casualty and invalidated him from service on that basis, the benefit of a welfare measure intended for battle casualties cannot ordinarily be denied by introducing restrictive conditions which are not borne out from the plain language of the policy itself.
16. It is significant that the respondents have not disputed either the nature of the petitioner's injuries or the fact that he was invalidated out of service because of those injuries. Nor have they disputed that the injuries were sustained while he was deployed in an operational area during Operation Vijay. The only distinction sought to be drawn is with reference to the geographical location where the injuries were sustained. Such a distinction, in the considered opinion of this Court, does not have any rational nexus with the object sought to be achieved by the welfare package, namely, extending financial assistance to those soldiers who suffered permanent disablement on account of battle casualties during Operation Vijay.

17. A welfare policy framed in recognition of the sacrifices made by members of the Armed Forces cannot be construed in a manner that creates artificial classifications amongst soldiers who have all been declared battle casualties. If two soldiers are invalidated out of service on account of battle casualty injuries sustained during the same military operation, denial of the benefit to one merely because the injuries were sustained at a location different from that of the other, despite both being part of the same operational deployment, would be manifestly arbitrary and would offend the guarantee of equality enshrined under Article 14 of the Constitution of India.
18. The respondents have also failed to place on record any material demonstrating that the Communication dated 22.06.2000 expressly excludes battle casualties sustained outside the geographical limits of the Kargil Sector while participating in Operation Vijay. In the absence of any such express exclusion, this Court is not persuaded to read into the policy a restrictive condition which has the effect of defeating its beneficial object.
19. This Court is also unable to lose sight of the fact that the petitioner has been litigating for enforcement of his claim since the year 2006. During the pendency of the writ petition itself, this Court had repeatedly afforded opportunities to the respondents to reconsider the petitioner's claim in the light of the admitted position that he is a Battle Casualty. Despite such opportunities, the respondents have chosen to adhere to a

hyper-technical interpretation of the policy, compelling the petitioner to continue with the present litigation for nearly two decades.

20. Such an approach, particularly in matters concerning disabled soldiers who have suffered permanent disabilities while serving the nation, is wholly inconsistent with the constitutional obligation of the State to act as a model employer and to adopt a humane and purposive approach in extending the benefits of welfare measures framed for members of the Armed Forces.
21. Consequently, this Court is of the considered opinion that the action of the respondents in denying the petitioner the benefit of the Communication dated 22.06.2000, despite acknowledging him as a Battle Casualty invalidated out of service, is arbitrary, unreasonable and legally unsustainable. This petition thus succeeds is thus allowed by issuing writ of mandamus commanding the respondents 1&2 to pay and release the ex- gratia financial assistance of Rs.6,00,000/- from the National Defence Fund maintained by them in favour of the petitioner in 60 days' time, failing which such amount shall be payable with interest @ 7.5% until realization thereof.

(Sanjay Parihar)
Judge

Jammu
02.07.2026
Javid Iqbal.