



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(124+255)

CM-13307-CWP-2026; in/and
CWP-15495-2026
Date of Decision : 17.08.2026

Ranjit Kaur

...Petitioner

Versus

Union of India and Others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL**

Present: Mr. Ujwal Anand, Advocate,
for the petitioner.

Ms. Neha Jain, Senior Panel Counsel,
for the respondents-Union of India.

Harsimran Singh Sethi, J. (Oral)

CM-13307-LPA-2026

1. This is an application filed under Article 151 of the Code of Civil Procedure for placing on record the reply along with Annexures.
2. For the reasons mentioned in the application, the same is allowed and the reply along with Annexures, is taken on record, subject to all just exceptions.
3. Application stands disposed of accordingly.

CWP-15495-2026

1. The present petition has been filed against the order dated 21.08.2019 (Annexure P-3), passed by learned Armed Forces Tribunal, Regional Bench, Chandigarh (for short, 'the Tribunal') in MA Nos.1737 &



1738 of 2019 and OA No.1856 of 2017, by which, the arrears of war injury pension have been restricted to a period of three years preceding the filing of the original application, so as to claim the total arrears admissible from the date of entitlement for the war injury pension.

2. Learned counsel appearing on behalf of the petitioner argues that husband of the petitioner suffered a war injury while he was posted during the 1971 Indo-Pak war and he suffered a shell wound injury on his left face, which resulted in "*Hypermetropic Astigmatism Lt Eye*". The said injury has been held to be attributable to the Military service however, the benefit of war injury pension was not extended to him despite the injury has been suffered during the 1971 war with Pakistan. Learned counsel submits that the benefit of war injury pension was available even at the relevant point of time as well and should have been extended by the respondent-State especially when the facts were not in dispute and therefore, though the benefit of war injury pension has subsequently been extended on the basis of the claim made by the petitioner but the arrears have been restricted to a period of three years, which is incorrect, in view the law settled by Hon'ble Supreme Court of India in case titled as '*Balbir Singh Vs. Union of India and Others*' in Civil Appeal No. 3086 of 2012 decided on 08.04.2016, as well as in Civil Appeal Nos. 6820-6824 of 2018 titled as '*Union of India through Secretary and others vs. SGT Girish Kumar and others*', decided on 12.02.2026, the benefit of arrears cannot be restricted and the petitioner cannot be allowed to take the benefit of their own wrong.

3. Learned counsel for the respondents has not been able to dispute the aforesaid factual position; however, it is submitted that the petitioner or



her husband should have remained vigilant and claimed the benefit at the earliest.

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

5. Once the fact that the husband of the petitioner suffered a war injury and that too while fighting for India against Pakistan in 1971 war, and the said injury was concededly attributable to the Military service, the benefit of war injury pension should have been extended to him by the State-respondents rather than, being claimed by the injured soldier or his family. Further, the applicability or entitlement has not been disputed as no writ petition has been filed against the impugned order dated 21.08.2019 passed by the Tribunal holding the petitioner entitled for the benefit of war injury pension.

6. The question which has been raised before this Court is whether the benefit of pension should be restricted especially when there is no limitation period to claim the pension and no such limitation applies being pension is a recurring cause of action. It may be noticed that qua the grant of arrears of pensionary benefit, the law is settled by the judgments rendered by Hon'ble Supreme Court of India in ***Balbir Singh's case (supra)*** as well as in ***SGT Girish Kumar's case (supra)***, accordingly restriction put upon the grant of arrears may kindly be modified so as to entitle the petitioner for the grant of arrears.

7. The relevant paragraph of the judgment in ***Balbir Singh's case (supra)*** 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. The fact that the appellant had approached the Tribunal for redress belatedly was in the peculiar circumstances of the case no reason for the Tribunal to reduce the payment of arrears to three years only.

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."

8. Recently again, the same issue has been decided by the Hon'ble Supreme Court of India in ***SGT Girish Kumar's case*** (supra), whereby it has been held that benefit of arrears is to be given from 01.01.1996 or 01.01.2006 as the case may be, in case of entitlement. The relevant paragraph of the said judgment is as under:-

"15. Pension, as authoritatively settled by this Court, is neither a bounty nor an ex gratia payment dependent upon the grace of the State. It is a deferred portion of compensation for past service and, upon fulfilment of the governing conditions, matures into a vested and enforceable right. Pensionary entitlements, therefore, partake the character of property, and cannot be withheld, reduced, or extinguished except by authority of law. This principle applies with full vigour to disability pension, which is grounded not merely in length of service, but in the impairment suffered by a member of the Armed Forces in the course of, or attributable to, the service rendered to the nation. The disability pension is not a matter of largesse, but a recognition of sacrifice made in service of the nation.

16. The Union of India, as a model employer, is expected to act with fairness, consistency and even-handedness in the administration of benefits conferred upon those who have served the nation. When a benefit is recognised by a policy and affirmed by judicial pronouncement, its application cannot be selective or uneven. The judgment rendered by a three-Judge Bench of this Court in Ram Avtar's case (supra) was a judgment in rem and, therefore, the benefit of same ought to have been



extended by Union of India to the eligible exservicemen instead of requiring them to file original applications before the Tribunal seeking their entitlement.

17. It is pertinent to note that the Union of India itself had taken a conscious policy decision to pay arrears of disability pension to D.S. Nakara v Union of India, 1983 AIR SC 130, State of Jharkhand & Ors. v. Jitendra Kumar Srivastava & Anr., AIR 2013 SC 3383, Vijay Kumar v. Central Bank of India & Ors., 2025 INSC 848 all eligible ex-servicemen from 01.01.1996 or 01.01.2006, as the case may be. This position is clearly borne out from paragraph 2 of the letter dated 15.09.2014 issued by Deputy Secretary (Pension), Government of India, to Chiefs of Army, Navy and Air Force. The similar intent is also evident from paras 3 and 6 of the letter dated 10.10.2018 issued by Director, Department of Pension and Pensioner's Welfare, Government of India, wherein civilian Medical Officers were granted revised disability benefit from 01.01.1996 or 01.01.2006.

18. The aforesaid communications reflect a conscious and deliberate policy choice on the part of Union of India to confer upon all eligible pensioners the benefit of arrears of disability pension with effect from 01.01.1996 or 01.01.2006, as the case may be. In view of decision of this Court in Ram Avtar (supra), the Government of India, by an order dated 18.04.2016, expressly conveyed its approval to the Chiefs of the Army, Navy and Air Force for implementation of the directions issued by the Courts and Tribunals granting the benefit of broad banding of the disability element to Armed Forces Personnel who had retired or were discharged on completion of engagement with disability, attributable to or aggravated by military service. from the date specified in the respective judicial orders.

19. The order dated 18.04.2016 was a conscious policy determination taken with full financial concurrence. Thus, where the State itself, by a conscious policy decision, has determined that arrears of disability pension are payable from a specified cut off date, it is not open to it to subsequently resile and contend that such arrears ought to be confined to a period of three years preceding the claim. To permit such a course, would amount to acknowledging the right in principle while denying its substantive content in effect. Any such deprivation of accrued arrears which has become due to exservicemen in view of judicial determination as well as policy decision taken by the Union of India itself, would constitute deprivation of property and would amount to infraction of Article 300A of the Constitution of India.

20. This Court has, in a consistent line of decisions, recognised that right to receive disability pension is a valuable right and once found due the benefit of the same has to be given from the once found due, the benefit of the same has to be given from the date it became due. The same cannot be curtailed by restricting K.J.S. Bhuttar v. Union of India & Anr., (supra); Davinder



Singh v. Union of India & Ors. (supra); Madan Prasad Sinha v. Union of India & Ors., (supra); Piyush Bahuguna (Order dated 25.03.2022 passed in Diary No.10713/2021) and Bijender Singh v. Union of India (supra) the benefit to a period of three years preceding the filing of the original application. In the absence of any compelling reason to take a different view, we find no justification to depart from the view consistently taken by this Court.

21. The contention advanced on behalf of the Union of India that the claim for arrears of disability pension is barred by Limitation Act, cannot be accepted. The issue with regard to broad banding of disability pension attained finality only on 10.12.2014. Thereafter, Union of India in the order dated 18.04.2016 addressed to Chiefs of Army, Navy and Air Force acknowledged in clear terms that arrears of disability pension were to flow from 01.01.1996 without any curtailment. Therefore, in the facts and circumstances of the case, the contention that the claims of ex-servicemen were barred by limitation does not deserve acceptance."

9. Keeping in view the aforesaid discussion, the petitioner is held entitled to the arrears of war injury pension from the date on which her husband became entitled to the grant thereof. Accordingly, the restriction imposed by the learned Tribunal limiting the arrears to a period of three years is hereby set aside.

10. No other argument is raised. The judgment is dictated in the open Court.

11. The present writ petition is, accordingly allowed in the above terms.

12. Further, it may be observed that the person who fought for the nation and suffered a shell injury on his face, resulting in damage to his eye, deserves appreciation and recognition rather than looking for the reasons to deny the claim, hence in the facts and circumstances of the present case,



entitled benefits should have been extended by the Union of India to such a
brave soldier.

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

(HARSIMRAN SINGH SETHI)
JUDGE

(AMARINDER SINGH GREWAL)
JUDGE

August 17, 2026
Shubham

Whether speaking/reasoned : Yes
Whether reportable : No