



HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 1665/2026

Union of India and others

.... Petitioner/Appellant(s)

Through:- Mr. Prem N. Sadotra, CGSC

V/s

Ex. Nk. Nishan Singh

.....Respondent(s)

Through:-

CORAM: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE
HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

ORDER

04.06.2026

1. Through the medium of the present writ petition filed under Article 226 of the Constitution of India, the petitioners have called in question the order dated 01.09.2025 passed by the Armed Forces Tribunal, Regional Bench, Srinagar at Jammu in O.A. No.57/2023 titled "*Nishan Singh v. Union of India & Ors.*", whereby the Tribunal has held the respondent entitled to the benefit of rounding off of disability element from 30% to 50% with effect from 01.04.2001 together with consequential arrears.

2. The respondent was enrolled in the Indian Army on 28.03.1984 and was discharged from service on 31.03.2001 on fulfilling the conditions of his enrolment. At the time of discharge, he was suffering from disabilities namely "*Fracture Shaft Femur, Left*" and "*Vasculitis Left Eye*", which were assessed at a composite disability of 30% and held attributable to military service. He was accordingly granted disability element @30%, which was subsequently continued for life.



3. The grievance projected by the petitioners is that the respondent was discharged on completion of terms of engagement and was not invalidated out of service. According to the petitioners, in terms of the applicable policy and Circular No. 596 dated 09.02.2018, the respondent could at best be granted the benefit of rounding off from 01.01.2016 and not from the date directed by the Tribunal.

4. Heard learned counsel for the petitioners and perused the material available on record.

5. The issue as to whether Armed Forces personnel, who retire or are discharged on completion of terms of engagement and are suffering from disability attributable to or aggravated by military service, are entitled to the benefit of broad banding/rounding off of disability element is no longer *res integra* in view of the judgment of the Hon'ble Supreme Court in "*Union of India & Ors. v. Ram Avtar*", Civil Appeal No.418 of 2012 decided on 10.12.2014.

6. The Tribunal, while allowing the Original Application, has relied upon the aforesaid settled legal position and has rightly held the respondent entitled to the benefit of rounding off of disability element from 30% to 50%.

7. The principal contention raised on behalf of the petitioners is that the respondent would be entitled to the benefit of rounding off only with effect from 01.01.2016 in terms of Circular No. 596 dated 09.02.2018 and not from an earlier date.

8. The issue regarding restriction of arrears and limitation in matters relating to disability pension now stands authoritatively settled by the



Hon'ble Supreme Court in “**Union of India v. Sgt. Girish Kumar & Ors.**”, 2026 INSC 149. The Hon'ble Supreme Court has held that once entitlement to disability pension or its re-computation is recognized, the benefit cannot be curtailed by restricting arrears to a limited period. It was further held that the issue relating to broad banding of disability pension attained finality with the judgment rendered in Ram Avtar (supra) and that objections founded on delay, laches and limitation in such matters are without merit.

9. In view of the law laid down by the Hon'ble Supreme Court, the contention of the petitioners that the respondent is entitled to the benefit of rounding off only from 01.01.2016 cannot be accepted.

10. We find no illegality, perversity or jurisdictional error in the impugned order dated 01.09.2025 passed by the Armed Forces Tribunal warranting interference in exercise of writ jurisdiction under Article 226 of the Constitution of India.

11. Accordingly, the writ petition being devoid of merit is dismissed along with connected applications, if any.

(Shahzad Azeem)
Judge

(Sindhu Sharma)
Judge

Jammu:

04.06.2026

Michal Sharma/PS