



HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 2717/2024

**Gul Ahmed Khan
S/o Sh. Mohd. Sharif
R/o Village Lehar,
P.O. and Tehsil Pouni
District Reasi**

.... Petitioner/Appellant(s)

Through:- Mr. Navneet Dubey, Advocate

V/s

**1. Union of India &
Through Defence Secretary,
Ministry of Defence,
New Central Civil Secretariat, South
Block, New Delhi.**

.....Respondent(s)

**2. Director General of Supplies and
Transport (ST-12), Quarter Master
General's Branch Integrated HQ of
MoD (Army) Pin-900256 C/o 56
APO.**

**3. Commanding Officer
533 ASC Bn of Army
Pin-905533 C/o 56 APO.**

Through:- Mr. Vishal Sharma, DSGI with
Mr. Eishaan Dadhichi, CGSC

**CORAM : HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER
01.04.2026

1. Impugned in this petition, filed by the petitioner under Article-226 of the Constitution of India, is an order and judgment dated 02.09.2024 passed by the Armed Forces Tribunal, Regional Bench Srinagar at Jammu [“the Tribunal”] in OA No. 360/2020 titled *Gul Ahmed Khan vs. Union of India & ors.*, whereby the Tribunal has dismissed the OA filed by the petitioner claiming service pension.

2. Impugned judgment is assailed by the petitioner primarily on the ground that the Tribunal has not appreciated that the petitioner had rendered qualifying service of 13 years and 361 days, which was to be



rounded off to 14 years. It is argued that if the qualifying service of the petitioner is taken as 14 years, by rounding off the service as aforesaid, he would be entitled to make good the shortfall of one year in the qualifying service which, in any case, is not more than one year.

3. Mr. Vishal Sharma, learned DSGI appearing for the respondents, fairly submits that the issue raised by learned counsel for the petitioner has a substance, more particularly, in view of the law laid down by the Hon'ble Supreme Court in the case of **Union of India & ors. v. Balakrishnan Mullikote, (2026 INSC 286)**.

4. Having heard learned counsel for the parties and perused the material available on record, we are of the considered opinion that the argument raised by learned counsel for the petitioner must succeed.

5. Indisputably, the petitioner had rendered a qualifying service of 13 years and 361 days at the time of his discharge and therefore, was entitled to the benefit of rounding off as provided in Paragraphs 9 and 18 of the Pension Regulations, 1961 and 2008 respectively as well as Note-5 of Letter dated 30th October, 1987. In the aforesaid Regulations, it is clearly stipulated that in calculating the length of qualifying service, fraction of a year equal to three months and above but less than six (6) months shall be treated as a completed one half year and reckoned as qualifying service.

6. In the instant case, the petitioner had a qualifying service of 13 years and 06 months and also a fraction, which is of more than three months, and therefore, was entitled to reckon it as one half year, that would make the qualifying service of the petitioner for pension as 14 years. As is provided in **Union of India & ors. v. Balakrishnan Mullikote**, a person having shortfall of one year has to be made good by



the authorities, so as to enable the retiree army personnel to avail the benefit of family pension. Calculated thus, the petitioner is held entitled to service pension by treating his qualifying service as 15 years.

7. This petition is, accordingly, allowed. The order impugned dated 02.09.2024 is set aside with a direction to the respondents to consider the case of the petitioner for grant of service pension in light of the observations made above as also keeping in view the law laid down by the Hon'ble Supreme Court in the case of **Balakrishnan Mullikote (supra)**.

8. This petition stands **disposed of** in the aforesaid terms.

JAMMU
RAM MURTI/PS
01.04.2026

