

115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12114-2026

Date of Decision : 22.04.2026

UNION OF INDIA AND OTHERSPetitioners
VERSUS
EX-HAVILDAR BIJENDER SINGH AND ANOTHER
.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Ms. Neha Jain, Senior Panel Counsel
for the petitioners.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 21.03.2023 (Annexure P-4) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as “the Tribunal”) in OA No. 832 of 2019, dated 18.03.2019 (Annexure P-2), by which the benefit of the judgment in OA No. 80 of 2018 titled “***Govind Ram Verma Vs. Union of India***”, decided on 18.03.2019, has been granted for calculating the pensionary benefits of respondent No.1 and for releasing the arrears as well.

2. Learned counsel for the petitioners argues that, while passing the order dated 21.03.2023 (Annexure P-4), the Tribunal had missed the Instructions issued by the Government of India dated 30.10.1987 (Annexure P-5), according to which 10 months of service in a particular rank prior to retirement is mandatory for fixation of pension in that rank whereas in the present case, the private respondent was promoted to the rank of Dafadar on



31.07.2001 and discharged from service on 31.01.2002, therefore, service pension in the said rank has been wrongly allowed by the Tribunal.

3. We have heard learned counsel for the petitioners and have gone through the records of the present case with her able assistance.

4. It may be noticed that the same issue came up for consideration before the Principal Bench of the Armed Forces Tribunal, New Delhi, in OA No. 882 of 2016 titled “***Ex JWO Ashok Kumar Tanwar and others vs. Union of India and others***” and other connected cases, decided on 17.04.2017, wherein it was held that the benefit of pension is to be granted keeping in view the last wages drawn in the same rank by the concerned officers/soldiers before retirement, which judgment has already been implemented by the Union of India.

5. Thereafter, keeping in view the judgment in ***Govind Ram’s case (supra)***, the same benefit was granted in various litigations, including ***Ashok Kumar’s case (supra)***, and ultimately the said benefit was extended to respondent No.1 herein.

6. Once a similar benefit has already been extended to other officers/soldiers, the challenge to the grant of such benefit by the petitioners-Union of India after a period of three years is liable to be rejected, and the same is accordingly rejected.

7. It may be noticed that the petitioner-Union of India has started filing writ petitions on a question of law which has already attained finality and the relief has already been granted to similarly situated employees, which is not appreciated. The said action is also contrary to the Litigation Policy as well as the settled principle of law that once a question of law has been settled, it should be made applicable to all similarly situated



employees. However, the petitioners-Union of India has continued filing writ petitions on such settled principles. Hence, the present petition, filed after a period of three years from the order dated 21.03.2023 (Annexure P-4) passed by the Tribunal, not only raises an already settled issue but also reflects that the concerned soldier has not been granted the benefit despite having the order in his favour for the last three years.

9. Keeping in view the above, though we wanted the present petition to be dismissed with costs to be paid by the concerned Officer from his own pocket who decided to file the said writ petition, but we refrain to do so on the repeated requests of the learned counsel for the petitioner but in case, the same trend continues in future, costs will also be imposed in such cases.

(HARSIMRAN SINGH SETHI)
JUDGE

22-04-2026
Sapna Goyal

(DEEPAK MANCHANDA)
JUDGE

NOTE: Whether speaking/ reasoned: YES
Whether reportable: NO