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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(121)

CWP-14706-2026

Date of Decision : May 12, 2026

Union of India and others

.. Petitioners

Versus

Ex. JWO Om Parkash Dahiya and another

.. Respondents

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

Present: Mr. Rohit Verma, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the challenge is to the impugned order dated 23.10.2024 (Annexure P-1) passed by respondent No.2- Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal), by which, respondent No.1 is held entitled to the benefit of service pension on the last rank held i.e. Junior Warrant Officer in place of Sergeant as per Policy of Government of India, Ministry of Defence applicable w.e.f. 01.01.2006. Further, the review application bearing RA No.71 of 2025 filed before respondent No.2- Tribunal was also dismissed vide order dated 10.12.2025.

2. The arguments raised by learned counsel for the petitioners is threefold. First, that the OA was filed after an inordinate delay of almost 30 years after the date of discharge. Second, that the respondent No.1 should not have been granted the benefit of service pension on the last rank held when he has not held the last rank of Junior Warrant Officer for a period of



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10 months. And third, that the arrears should be restricted to three years from the date of filing of the original application rather than granting it from the date of entitlement to respondent No.1.

3. We have heard learned counsel for the petitioners and have gone through the case file with his able assistance.

4. Qua the first argument, it may be noticed that the grant of entitled pension is the duty of the State, being a welfare State. The claim of such a pensionary benefit including arrears cannot be denied to a retired employee on account of delay in approaching the Court as has been observed by the Hon'ble Supreme Court of India in ***Civil Appeal No. 4100 of 2022 titled as Shri M.L. Patil (Dead) through LRs vs. The State of Goa and another, decided on 20.05.2022.***

5. Once, an entitled pensionary benefit cannot be denied on account of delay, the arrears flowing therefrom also cannot be restricted. Further, the Tribunal in some cases have granted the complete arrears and in some cases, the benefit of arrears were restricted.

6. The case of '***Union of India Vs. Roshan Lal Yadav & Anr.***', ***CWP No.23968 of 2024***, somewhat falls in similar circumstances, wherein also the claimant had deficit in qualifying service and had only rendered 6 months of service as Junior Warrant Officer (JWO) and benefit of full arrears was granted, which was challenged by the Union of India and the said writ petition was dismissed holding that the benefit of arrears from the date of entitlement is valid.

7. The Co-ordinate Bench relied upon the judgment of the Hon'ble Supreme Court in ***Civil Appeal No.7366-7367 of 2011 titled Union***



of India and Others Vs. Ex JWO Bharat Singh Khatana, decided on 29.01.2010, wherein, it has been held that the pensionary benefit, once found to be entitled to the claimant, the benefit of arrears has to be granted from the date of entitlement and the same cannot be curtailed. Learned counsel for the Union of India has not been able to dispute the said proposition of law settled by the Co-ordinate Bench.

8. By applying the same ratio, as laid down by the Co-ordinate Bench on the basis of the aforesaid judgment of the Hon'ble Supreme Court of India in *EX. JWO Bharat Singh Khatana's case (supra)*, denying the benefits of full arrears to respondent No.1, is contrary to the settled principle of law.

9. Further, it may be noticed that the said question qua grant of arrears has been settled by the Hon'ble Supreme Court of India in *Civil Appeal No.3086 of 2012 titled "Balbir Singh vs. Union of India and others", decided on 08.04.2016*, wherein the question was with regard to limiting of the benefits of admissible arrears to the period of three year wherein the relief of entire arrears were granted to the claimant, the Hon'ble Supreme Court of India held 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. 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

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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.”

10. Keeping in view the facts that the order dated 23.10.2024 (Annexure P-1) passed by the Tribunal has not been proved to be perverse either on facts or settled principles of law as discussed above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

11. Accordingly, the writ petition is dismissed.

12. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

May 12, 2026

harsha

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No