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

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Date of Decision :29.08.2025

Union of India and others

..Petitioners

Versus

Ex HAV Naveen Kiran & another

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Ms. Geeta Singhwal, Senior Panel Counsel
for the petitioners-UOI.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 12.08.2024 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh, (for short, 'the Tribunal') by which, benefit of war injury pension has been granted to respondent No.1 on the ground that the injury sustained by respondent No.1 has been sustained during the action at an operational area, which situation is covered under the battle casualty.

2. Learned counsel for the petitioners argues that as the injury was suffered by the respondent No.1 on the account that he slipped accidentally hence, though the injury suffered by respondent No.1 has been treated to be attributable to the military service but, the same cannot be treated as an injury suffered in the army operation or while being posted at the operational

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area so as to grant the benefit of war injury pension hence, order dated 12.08.2024 (Annexure P/1) is liable to be set aside.

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

4. From the submissions made by learned counsel for the petitioners and perusal of file, it transpires that the grievance of the petitioners is only qua the aspect that benefit of war injury pension has been wrongly granted to respondent No.1

5. The Tribunal has recorded a finding that the injury which was suffered by the respondent No.1 on 13.10.2013 was during an ambush near Dumnar location on the 'Line of Control'. Once, the injury was suffered at the 'Line of Control' and nothing has come on record to show that the 'Line of Control' is not to be treated as an operational area so as to deny respondent No.1 grant of war injury pension, the argument of the learned counsel for the petitioners that injury suffered by respondent No.1 was only attributable to military service and cannot be treated having suffered during action in an operational area, cannot be accepted.

6. Further, the injury was suffered by respondent No.1 while he was on active duty at 'Line of Control' and that too during the ambush near Dumnar location. If the said injury cannot be treated as having been suffered in an action in operational area, then this Court fails to comprehend that under what situations an injury suffered is to be treated having been suffered in an operational area.

7. Hence, in the absence of any perversity being pointed out in the impugned order dated 12.08.2024 (Annexure P-1) either on the basis of the facts or the settled principle of law, no ground is made out for any



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interference by this Court in the facts and circumstances of the present case and the writ petition is accordingly dismissed.

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

(HARSIMRAN SINGH SETHI)
JUDGE

August 29, 2025
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No