

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

L.P.A. No.566 of 2010 (O&M)
Date of decision: 30.4.2010

Union of India & others.

-----Appellants

Vs.

Major (Retd.) Avtar Singh.

-----Respondent

**CORAM:- HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE ALOK SINGH**

Present:- Ms. Renu Bala Sharma, Advocate
for the appellants.

ORDER:

1. This appeal has been preferred against order of learned Single Judge, allowing claim of the respondent, ex-serviceman, for release of disability element of pension @ 50% instead of 30%.

2. The writ petitioner was commissioned in the Indian Army in the year 1969 and was released from Army on 1.1.1997 on the ground of disability suffered by him. Under the rounding up policy, applicable to him, he was entitled to 50% disability pension, which was not allowed. Learned Single Judge upheld the claim of the writ petitioner, relying upon DB judgment of this Court dated 12.2.2008 in **Paramjit Singh v. Union of India &**

others C.W.P. No.67 of 2007, wherein it was held that mere fact that an individual was discharged on completion of term of engagement, was no ground to deny disability pension when disability was suffered on account of Military service. The percentage of disability was required to be rounded up under the rules.

3. It is not disputed that the matter is covered by earlier DB judgment of this Court in **Paramjit Singh**. Learned Single Judge has followed the said judgment.

4. We, thus, do not find any ground to interfere with the view taken by learned Single Judge.

5. The appeal is dismissed.

(ADARSH KUMAR GOEL)
JUDGE

April 30, 2010
ashwani

(ALOK SINGH)
JUDGE