

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.1577-1578 OF 2022

UNION OF INDIA & ORS.

...Appellant(s)

Vs.

EX. SGT ROHITASH KUMAR SHARMA

...Respondent(s)

O R D E R

1. We have heard Ms. Rukmini Bobde, learned counsel for the appellants-Union of India and Mr Pavan Kumar, learned counsel for the respondent.
2. At the outset, learned counsel for the appellants submits that the appellants have already implemented the impugned order dated 18th January, 2021 passed by the Armed Forces Tribunal, Regional Bench at Lucknow, Uttar Pradesh in Original Application No.320 of 2019 (*Rohitash Kumar Sharma v. Union of India & Ors.*).
3. Learned counsel for the respondent does not dispute the above submission of the learned counsel for the appellants.

4. In view of the above, we dispose of the present Civil Appeals, keeping the question of law, if any, open.

.....J.
(UJJAL BHUYAN)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

NEW DELHI;
May 13, 2026.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8514 OF 2022

UNION OF INDIA & ORS.

...Appellant(s)

Vs.

SARDARI LAL

...Respondent(s)

O R D E R

1. We have heard Ms. Rukmini Bobde, learned counsel for the appellants-Union of India. None has appeared for the respondent.

2. This appeal takes exception to the judgment and order dated 27th March, 2019 passed by the Armed Forces Tribunal, Regional Bench at Srinagar in Jammu (for short, "the Tribunal") in TA No.408 of 2017. The respondent had moved the Tribunal being aggrieved by denial of disability pension. By the impugned judgment and order, the Tribunal allowed the Original Application and directed the appellants to grant disability pension to the respondent. The relevant portion of the order passed by the Tribunal reads as under:

"10. From the above, it is clear that Regulation 179 is fully applicable in the case of DSC service. There is no dispute that the

applicant was discharged in Low Medical Category and that there is also no dispute that he was discharged from DSC service on completion on terms of engagement. He was discharged from the DSC service but due to being in Low Medical Category, he could not be granted further extension in the DSC service. So, he shall be deemed to have been invalided out of service because of being placed in Low Medical Category and the authority concerned has ahead) granted him disability element of disability pension which further fortifies this view that he was in Low Medical Category at the time of discharge from DSC service. There is also no dispute that the applicant was at the time of his discharge suffering with disability @ 20%. So, by virtue of Regulation 179 above, he is entitled to disability pension consisting of service element as well as disability element.

11. Rule 280 of Pension Regulations for the Army related to DSC service personnel states that disability pension consists of two elements viz service element and disability pension. So, according to this Rule also, he is entitled to service element of disability pension.

12. The mere fact that the applicant was in receipt of pension of the first spell of the Army service cannot be a ground to refuse him the disability pension for the second spell in the DSC service. Our views find support from the judgment of this Tribunal rendered in O.A. No.146 of 2010 titled as Parbu Ram Vs. U.O.I. and others decided on 23.04.2010.

13. The question now arises as to whether the applicant is entitled to the benefit of rounding off in this case by virtue of the judgment of the Hon'ble Supreme Court rendered in Civil Appeal No.418 of 2012 (Union of India and others vs. Ram Avtar) decided on 10.12.2014 and according to this judgment, the applicant is entitled to the benefit of rounding off. So, he is entitled to the benefit of disability pension @ 50% as against 20% for life.

14. The Original Application is, accordingly, allowed. The respondents are directed to calculate tire arrears accordingly and to pay the same to the applicant within a period of three months from the date of receipt of a certified copy of this order by the learned counsel for the respondents/OIC, Legal Cell, failing which the arrears shall carry an interest @ 8% p.a. from the date of this order."

3. We have applied our mind to the facts of the present case as well as gone through the Pension Regulations for the Army, 1961, more particularly, Regulations 179 and 266. On due consideration, we are of the view that no case for interference is made out insofar as the present case is concerned.

4. Moreover, we find that during the pendency of the present appeal, the respondent has passed away.

5. In the light of the above, we decline to interfere with the impugned order. The Civil Appeal is, accordingly, dismissed.

.....J.
(UJJAL BHUYAN)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

NEW DELHI;
May 13, 2026.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6995 OF 2022

UNION OF INDIA & ORS.

...Appellant(s)

Vs.

EX. SEPOY DUBEL SINGH

...Respondent(s)

O R D E R

1. We have heard Ms. Rukmini Bobde, learned counsel for the appellants-Union of India. None has appeared for the respondent.
2. The present appeal has been preferred against the judgment and order dated 19th November, 2019 passed by the Armed Forces Tribunal, Regional Bench, Chandigarh Circuit Bench Shimla (for short, "the Tribunal") in O.A.No.2365 of 2019.
3. The respondent had approached the Tribunal being aggrieved by denial of disability pension. By the impugned judgment and order, the Tribunal set aside the rejection of the claim of the respondent holding that he is entitled to disability pension @ 20% for two years from the next date of invalidation i.e. 6th July, 1991 to

5th July, 1993 @ 20%. The appellant was also directed to release the arrears within three months.

4. We find that the Tribunal had referred to the decision of this Court in the case of *Dharamvir Singh v. Union of India*¹, the relevant portion of which reads as under:

"30. In the present case it is undisputed that note of any disease has been recorded at the time of appellant's acceptance for military service. The respondents have failed to bring on record any document to suggest that the appellant was under treatment for such a disease or by hereditary he is suffering from such disease. In absence of any note in the service record at the time of acceptance of joining of appellant it was incumbent on the part of the Medical Board to call for records and look into the same before coming to an opinion that the disease could not have been detected on medical examination prior to the acceptance for military service, but nothing is on the record to suggest that any such record was called for by the Medical Board or looked into it and no reasons have been recorded in writing to come to the conclusion that the disability is not due to military service....

32. In spite of the aforesaid provisions, the Pension Sanctioning Authority failed to notice that the Medical Board had not given any reasons in support of its opinion, particularly when there is no note of such disease or disability available in the service record of the appellant at the time of acceptance for military service.

1. (2013) 7 SCC 316

Without going through the aforesaid facts the Pension Sanctioning Authority mechanically passed the impugned order of rejection based on the report of the Medical Board. As per Rules 5 and 9 of 'Entitlement Rules for Casualty Pensionary Awards, 1982, the appellant is entitled for presumption and benefit of presumption in his favour. In absence of any evidence on record to show that the appellant was suffering from 'Generalized seizure (Epilepsy)" at the time of acceptance of his service, it will be presumed that the appellant was in sound physical and mental condition at the time of entering the service and deterioration in his health has taken place due to service..."

5. Thereafter, the Tribunal held as under:

"It is undisputedly proved that at the time of the applicant entered into Air Force service, this type of disease/disability did not exist. The disability accrued to him during the course of military service. So by virtue of the principle laid down in Dharamvir Singh case (Supra), the said disability can be attributed/aggravated by military service.

Considering the law laid down by the Hon'ble Supreme Court and also the attendant circumstances, the rejection of the claim of the Applicant is set aside and the Applicant is thus held entitled to disability pension @ 20% for two years from the next date of invalidation i.e. 06.07.1991 to 05.07.1993 @ 20%.

The respondents are directed to release the arrears within a period of three months the receipt of a certified copy of this order by the counsel for the respondents/OIC Legal Cell, failing which the arrears shall carry an interest @ 8% p.a. from the date of this order.

Since the disability of the applicant was assessed for two years only, therefore Re-survey Medical Board of the applicant shall be held within three months from the date of this order and the applicant shall make himself available for the same. In case, he is still found disabled in the Re-survey Medical Board in that case, the arrears, if any, shall be restricted to three years from the date of filing of this OA.

It is made clear that in case the applicant is already in receipt of the service pension or service element for the same spell of service for which he is entitled, in that case he shall be entitled to the disability element of disability pension only."

6. In the course of the hearing, we have been informed that the respondent has passed away during the pendency of the present appeal.

7. Be that as it may, after due consideration, we do not find any error or infirmity in the view taken by the Tribunal.

8. Though learned counsel for the appellants has raised the issue of belated approach to the Tribunal by the respondent, having regard to the view taken above, we are not inclined to enter into that aspect of the matter.

9. There is no merit in this appeal which is accordingly dismissed.

.....J.
(UJJAL BHUYAN)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

NEW DELHI;
May 13, 2026.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 10637/2024

UNION OF INDIA & ORS.

Appellant(s)

VERSUS

NO. 6932220Y EX. HAV. ATTAR SINGH

Respondent(s)

(IA No. 27053/2022 - EX-PARTE STAY
IA No. 27055/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 41661/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

WITH C.A. No. 1577-1578/2022
(IA No. 20825/2022 - EX-PARTE STAY
IA No. 20826/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 104920/2022 - STAY APPLICATION)

C.A. No. 8514/2022
(IA No. 145726/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 145728/2022 - STAY APPLICATION
IA No.41487/2025 - SUBSTITUTION
IA No.62154/2025 - CONDONATION OF DELAY IN FILING SUBSTITUTION
APPLN.)
IA No.62159/2025 - SETTING ASIDE AN ABATEMENT
IA No.119024/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 6995/2022
(IA No. 105593/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 105592/2022 - STAY APPLICATION
IA No.103153/2023 - SUBSTITUTION
IA No.103154/2023 - CONDONATION OF DELAY IN FILING SUBSTITUTION
APPLN.
IA No.217237/2024 - SETTING ASIDE AN ABATEMENT
IA No.256196/2024 - CONDONATION OF DELAY IN FILING THE APPLICATION
FOR SETTING ASIDE THE ABATEMENT
IA No.75219/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 6620/2022
(IA No. 118163/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 118162/2022 - STAY APPLICATION)

C.A. No. 3980/2023
(IA No. 12015/2023 - EX-PARTE STAY
IA No. 12017/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

C.A. No. 1051/2023
(IA No. 23963/2023 - EX-PARTE STAY
IA No. 23965/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 54646/2025 - PERMISSION TO PLACE ADDITIONAL FACTS AND
GROUNDS)

C.A. No. 12215-12216/2024
(IA No. 62647/2023 - STAY APPLICATION)

Date : 13-05-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Appellant(s) :

Ms. Rukhmini Bobde, Adv.
Mr. Sharath Nambiar, Adv.
Ms. Indira Bhakar, Adv.
Mrs. Arunima Dwivedi, Adv.
Mrs. Seema Bengani, Adv.
Mr. Amit Sharma B, Adv.
Mr. Jagdish Chandra Solanki, Adv.
Mr. Sachin Sharma, Adv.
Mr. Vineet Singh, Adv.
Ms. Osheen Jain, Adv.
Mr. Mukesh Kumar Maroria, AOR

For Respondent(s) :

Mr. Ranbir Singh Yadav, AOR
Mr. Prateek Yadav, Adv.
Ms. Anzu K. Varkey, Adv.
Mr. Mohammed Shahrukh, Adv.
Mr. Puran Mal Saini, Adv.
Mr. Yogesh Yadav, Adv.

Mr. Pavan Kumar, AOR
Mrs. Neelam, Adv.
Mr. Akhlesh Kumar Soni, Adv.
Mr. Rajesh Kumar, Adv.
Mr. Nayeem Hasan Raza, Adv.

Mr. Puru Mudgil, Adv.
Ms. Tanya Sharma, Adv.
Mr. Manoj Kumar Awasthi, Adv.
Mr. Tushar Sharma, Adv.
Mr. Randhir Kumar Ojha, AOR

Mr. Neeraj Kumar Rai, Adv.
Mr. Abhinav S. Raghuvanshi, AOR
Mr. Yashpal Singh, Adv.
Ms. Shweta, Adv.
Ms. Nimisha, Adv.

Mr. Sudhir Kumar Saxena, Sr. Adv.
Mr. Aviral Saxena, AOR
Mr. Abhinav Sharma, Adv.
Mr. Paritosh Goyal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Civil Appeal No.10637 of 2024

1. Ms. Rukmini Bobde, learned counsel for the appellants-Union of India submits that the issue involved in this appeal is similar to the one in Civil Appeal Diary No.17661 of 2023 which is now fixed for consideration by the Bench headed by Hon'ble Ms. Justice B.V.Nagarathna on 21st September, 2026.
2. On her request, list the present appeal along with Civil Appeal Diary No.17661 of 2023 on 21st September, 2026 subject to administrative approval of Hon'ble the Chief Justice of India.

Civil Appeal Nos.1577-1578 of 2022

3. The appeals are disposed of in terms of the signed order.

4. Pending applications shall also stand disposed of.

Civil Appeal No.8514 of 2022

5. The Civil Appeal is dismissed in terms of the signed order.

6. Pending applications, including the application for substitution shall also stand disposed of.

Civil Appeal No.6995 of 2022

7. The Civil Appeal is dismissed in terms of the signed order.

8. Pending applications, including the application for substitution shall also stand disposed of.

Civil Appeal Nos.6620/2022, 3980/2023 and 1051/2023

9. Ms. Rukmini Bobde, learned counsel for the appellants-Union of India submits that the issue raised in these appeals are identical to the one raised in Special Leave Petition (Civil) No.3680 of 2025 and other connected matters which is pending before a Bench headed by Hon'ble Mr. Justice Pamidighantam Sri Narsimha. We find that Special Leave Petition (Civil) No.3680 of 2025 is being listed on 20th May, 2026 along with connected matters.

10. In that view of the matter, the above appeals shall also be placed before the aforesaid Bench on 20th May, 2026 subject to administrative approval of Hon'ble the Chief Justice of India.

Civil Appeal Nos.12215-12216 of 2024

11. On request of Ms. Rukmini Bobde, learned counsel for the appellants-Union of India, list these appeals again in the next week.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

(Three separate signed orders are placed on the file.)