

A

UNION OF INDIA & ANR.

v.

C.S. SIDHU

(Civil Appeal No. 4474 of 2005)

B

MARCH 31, 2010

[MARKANDEY KATJU AND A.K. PATNAIK, JJ.]

Service Law:

C

Disability pension – Officer joined Indian Army through Short Service Commission on 22.5.1968 – Injured at high altitude field posting on 21.11.1970 – Released from service on 23.6.1978 – For disability pension period taken into account only from 22.6.1968 to 21.11.1970 – HELD: High Court has rightly held that for the purposes of qualifying service for disability pension, the entire period of commissioned service rendered by the officer from 22.6.1968 to 23.6.1978 has to be taken into account – Arrears with 8% interest per annum will be paid to the respondent within three months – Armed Forces – Military.

E

Armed Forces:

Army Officers and army-men – Concern shown by Court that they should be treated in a better and more humane manner by governmental authorities particularly in respect of their emoluments, pension and other benefits – Service Law – Disability pension.

F

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 4474 of 2005.

G

From the Judgment & Order dated 11.12.2003 of the High Court of Punjab and Haryana at Chandigarh in Civil Writ Petition No. 12299 of 2002.

Parag P. Tripathi, ASG, Arti Gupta, Kunal Bahri and Anil Katiyar for the Appellants.

H

Susmita Lal (N.P.) for the Respondent.

A

The following Order of the Court was delivered

ORDER

1. Heard Mr. Parag P. Tripathi, learned Addl. Solicitor General appearing for the appellants.

B

2. There is no appearance on behalf of the respondent today.

3. This appeal by special leave is directed against the impugned judgment and order dated 11.12.2003 of the Division Bench of the High Court of Punjab & Haryana whereby the writ petition filed by the respondent herein (writ petitioner before the High Court) has been allowed and the appellants herein (respondents before the High Court) have been directed to count the entire period of full pay commissioned service of the respondent from 22.06.1968 to 23.06.1978 as qualifying service and calculate his disability pension in accordance with pension scales as on 23.6.1978 and give him all other benefits therefrom.

C

D

4. The facts in detail have been given in the impugned judgment and order. Hence, we are not repeating the same here.

E

5. The question involved in this appeal is whether the full pay commissioned service rendered by the respondent herein from 22.06.1968 to 23.06.1978 is to be counted as qualifying service by the Union of India for the purpose of granting disability pension to the respondent.

F

6. The respondent herein was an officer in the Indian Army who was given a short service commission on 22.06.1968. A short service commission is given for 5 years and can be extended by another 5 years only. He was posted at a high altitude field area and while on duty on 21.11.1970, he met with an accident and suffered severe injuries. As a result of the accident, respondent's right arm had to be amputated. He also

G

H

- A suffered a compound fracture of the femur (thigh bone) and fracture of the mandible (jaw bone). He was released from service of Army on 23.6.1978. For his disability pension, the period taken into account by the Army authorities was only from 22.6.1968 to 21.11.1970. Aggrieved by the said decision of the Army authorities, the respondent filed a writ petition before the High Court which has been allowed by the impugned judgment and order. Hence, the appellants are in appeal before us.

7. We have gone through the impugned judgment and order and we are in full agreement with the Division Bench of the High Court that for the purposes of qualifying service for disability pension the entire period of commissioned service rendered by the respondent from 22.6.1968 to 23.6.1978 has to be taken into account. Accordingly, we see no reason to interfere with the impugned judgment and order of the High Court. The appeal is accordingly dismissed. No order as to the costs. Arrears with 8% interest per annum will be paid to the respondent within three months.

8. Before parting with this case, we regret to say that the army officers and army men in our country are being treated in a shabby manner by the government. In this case, the respondent, who was posted at a high altitude field area and met with an accident during discharge of his duties, was granted a meager pension as stated in Annexure-P3 to this appeal. This is a pittance (about Rs. 1000/- per month plus D.A.). If this is the manner in which the army personnel are treated, it can only be said that it is extremely unfortunate. The army personnel are bravely defending the country even at the cost of their lives and we feel that they should be treated in a better and more humane manner by the governmental authorities, particularly, in respect of their emoluments, pension and other benefits.

R.P.

Appeal dismissed.