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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision : 02.02.2026*

\+ **W.P.(C) 1405/2026, CM APPL. 6901/2026 & CM APPL. 6902/2026**

UNION OF INDIA & ORS. .....Petitioners

Through: Mr. Nishant Mittal, SPC with Ms. Vishi Agarwal and Mr. Laksh Yadav, Advs.

versus

JWO ANAND KUMAR (RETD.) .....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

MANMEET PRITAM SINGH ARORA, J. (*ORAL*)

CM APPL. 6902/2026(for exemption)

1. Exemption is allowed, subject to all just exceptions.

2. The application is disposed of.

W.P.(C) 1405/2026, CM APPL. 6901/2026

3. This is a writ petition filed under Article 226 of the Constitution of India against the order dated 04.10.2024 ['impugned order'] passed by the Armed Forces Tribunal, Principal Bench, New Delhi ['Tribunal'] in Original Application ['O.A.'] No. 2600/2023 titled as **JWO Anand Kumar (Retd.) Vs. Union of India and Ors**., wherein the Respondent has been granted the

benefit of the disability element of pension for Primary Hypertension (Old) assessed at 30% for life, rounded off to 50% for life, from the date of his retirement from the service i.e., 31.1.2019.

4. The facts giving rise to the present petition are that the Respondent was retired from the service on 31.1.2019 under the clause 'on fulfilling the conditions of enrolment' after rendering a total of 26 years and 20 days of regular service.

5. The Release Medical Board ['RMB'], held on 27.03.2018, assessed his disabilities i.e., Primary Hypertension (Old) at 30% for life. The RMB opined that since the onset of the disease was at the time when the Respondent was serving at the peace station i.e., in February 2000, New Delhi; the disease is idiopathic in nature was due to the lifestyle disorder, therefore, the aforesaid disability were neither attributable to nor aggravated ['NANA'] by the military service.

6. The Respondent's claim of disability pension was rejected and the same was communicated to the Respondent vide letter dated 06.06.2019, stating that as the disability was opined NANA by the service.

7. The Respondent filed O.A. No. 2600/2023 before the Tribunal for the grant of disability element of pension. By the impugned order, the Tribunal while referring to the judgments of the Supreme Court in **Dharamvir Singh v. Union of India and Ors**.[1] and **Union of India v. Ram Avtar**[2] granted the relief of disability pension to the Respondent.

8. The only submission made by the learned counsel for the Petitioners is that the reliance placed by the Tribunal on the judgment of **Dharamvir**

[1] 2013 (7) SCC 361
[2] 2014 SCC Online SC 1761

Singh v. Union of India and Ors. (supra) is totally misplaced as in the said case the Supreme Court was concerned with the Entitlement Rules for Casualty Pensionary Awards, 1982 ['Entitlement Rules, 1982'], whereas the case of the Respondent needs to be considered under the Entitlement Rules for Casualty Pensionary Awards to Armed Forces Personnel, 2008 ['Entitlement Rules, 2008'].

8.1. He contends that the Tribunal has overlooked the Entitlement Rules, 2008, which governs attributability and aggravation and no longer permit a blanket presumption in favour of the claimant/officer and since the RMB has opined the diseases to be NANA, the Tribunal could not have presumed a causal connection between the disease and the service. He states in the facts of this case, Respondent retired on 31.01.2019 and therefore, the Respondent would be governed by Entitlement Rules, 2008. He states that the impugned order incorrectly applies the presumption under the repealed Entitlement Rules, 1982, ignoring the amended regime under Entitlement Rules, 2008. He states that the Entitlement Rules, 2008, have done away with the general presumption to be drawn to ascertain the principle of 'attributable to or aggravated by military service'.

9. Having perused the reasons recorded in the opinion of the RMB, we are unable to agree with the submissions made by the learned counsel for the Petitioners that the Tribunal committed any error in granting relief to this Respondent.

10. In another petition, i.e., W.P.(C) 88/2026 titled **Union of India v. 781466 Ex. SGT Krishna Kumar Dwivedi**, decided by this Bench on 06.01.2026, our attention was drawn to the authoritative judgments of the coordinate Benches of this Court passed in W.P.(C) 3545/2025 titled **Union**

of India v. Ex. Sub Gawas Anil Madso[3] and W.P.(C) 140/2024 titled **Union of India vs. Col. Balbir Singh (Retd.) and other connected matters**[4], which have conclusively held that even under Entitlement Rules, 2008, an officer, who suffers from a disease at the time of his release and applies for disability pension within 15 years from release of service, is ordinarily entitled to disability pension and he does not have any onus to prove the said entitlement. The judgments emphatically hold that even under the Entitlement Rules, 2008, the onus to prove a causal connection between the disability and military service is not on the officer but on the administration. The Entitlement Rules, 2008, however, contemplate that in the event the Medical Board concludes that the disease, though contracted during the tenure of military service, was NANA by military service, it would have to give cogent reasons and identify the cause, other than military service, to which the ailment or disability can be attributed. The said judgments hold that a bald statement in the report of the Medical Board opining 'ONSET IN PEACE STATION' or 'LIFESTYLE DISORDER' would not be sufficient for the military department to deny the claim of disability pension; and proceeded to reject the opinions of the Medical Board as invalid. The judgments hold that the burden to prove the disentitlement of pension therefore remains on the military department even under the Entitlement Rules, 2008; and emphasise on the significance of the Medical Board giving specific reasons to justify their opinion for denial of this beneficial provision to the officer.

11. For reference, we also note that the hon'ble Supreme Court in its

[3] 2025: DHC: 2021-DB
[4] 2025: DHC: 5082-DB

recent judgment in the case of **Bijender Singh vs. Union of India**[5] has reiterated that it is incumbent upon the Medical Board to furnish reasons for opining that a disease is NANA and the burden to prove the same is on the Military Establishment.

The requirement of reasons to be recorded by the Medical Board has been succinctly explained by the Supreme Court in another recent decision of **Rajumon T.M. v. Union of India**[6] to state that merely stating an opinion, such as 'CONSTITUTIONAL PERSONALITY DISORDER' without giving reasons or causative factors to support such an opinion, is an unreasoned medical opinion. The Court explained that the said opinion of the Medical Board was merely a conclusion and would not qualify as a reasoned opinion for holding the disease to be NANA.

12. In this background of law, it is well settled that onus to prove disentitlement remains with military establishment vis-à-vis Entitlement Rules, 2008 and we have accordingly examined the facts of this case. The opinion in the RMB relied upon by the Petitioner in these proceedings similarly fails the test of a reasoned opinion as stipulated in the aforesaid judgments of the hon'ble Supreme Court and this Court.

13. The Respondent was enrolled in the Indian Air Force on 12.01.1993 and the disease/disability Primary Hypertension (Old) was discovered in the year 2000 [after 7 years of service], while he was serving at peace station and therefore, the disease has indisputably arisen during his military service. The Respondent was discharged from service on 31.01.2019, as the RMB recommended his release on account of his low medical category A4G2(P).

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[5] 2025 SCC OnLine SC 895 at paragraphs 45.1, 46 and 47
[6] 2025 SCC OnLine SC 1064 at paragraphs 25, 26, 32 and 36

14. The Petitioners have raised the issue of non-entitlement of the disability element of the pension solely on the ground that the Medical Board has held that the disease is NANA by the military service. The opinion rendered by the RMB is extracted as under:

OPINION OF THE MEDICAL BOARD
(Not to be communicated to the individual)

1. Causal Relationship of the Disability with Service conditions or otherwise				
Disability	Attributable to service (Y/N)	Aggravated by service (Y/N)	Not connected with service (Y/N)	Reasons/cause/specific condition and period in service
PRIMARY HYPERTENSION (OLD) | 10, Z09 Onset Feb/2000 at Delhi.	NO	NO	Yes	Onset of the disability while posted in peace area. No close time association with stress/strain of Fd/HAA/CI Ops service. Hence NANA in terms of Para 43 Chapter VI of Guide to Medical Officers (Military Pension) 2002 Amendment 2008, as disability is idiopathic in nature and a life style disorder

15. The Petitioners contend that the onset of the disease was at a peace station and that there was no stress of the military service; and the disease is idiopathic in nature and was due to the lifestyle disorder of the officer.

16. These precise reasons and more specifically onset at peace station have been specifically rejected by the coordinate Bench of this Court in **Col.**

Balbir Singh (Retd.) (supra)[7], **Anil Madso** (supra)[8] **Union of India and Others v. Col. Koutharapu Srinivasa Retd.**[9] and have been held to be invalid grounds for denying attributability to the military service.

17. In **Col. Koutharapu Srinivasa Retd.** (supra), has held that stating that the disease is a lifestyle disorder will not prove/confirm that the disease was not attributable to military service. The Court opined that in case the lifestyle of the officer is the cause of the disease, the medical opinion must reflect the causative lifestyle factors (i.e., enlist the reasons for such an opinion).

In the present case, the RMB has merely classified the Respondent's disease of Primary Hypertension as a lifestyle disorder. The RMB says nothing about the specific lifestyle factors of the Respondent, which led to the cause of the disease.

In contra-distinction, the RMB herein categorically records in response to the question no. 2 that the disability did not exist before the Respondent entered military service and in response to question no. 5(a) and (b) that the disability is not attributable to the officer's own negligence or misconduct, at internal page 5 of the RMB[10]. The answers to this question 5(b) show that the opinion of the Medical Board that it is a lifestyle disorder is a conclusion, which is negated and even otherwise not substantiated by any reasons.

18. The RMB has also recorded that the disability is idiopathic in nature.

[7] At paragraph nos. 66 to 74
[8] At paragraph nos. 82 to 84
[9] 2025 SCC OnLine Del 4292 at paragraphs 5 and 16
[10] Page 109 of the paper-book

The coordinate bench in **Col. Koutharapu Srinivasa Retd.**[11] (supra) similarly stated that merely terming the disease as idiopathic would not entitle the military establishment to deny attributability of the disease to the military service, unless the basis on which the disease has been termed idiopathic is recorded in the RMB.

19. In these facts, the reasons recorded in the RMB for holding NANA have been rightly rejected by the Tribunal. Since no other causal connection for the disease has been found to exist by the Medical Board, the plea of disability pension has been wrongly rejected by the Military establishment.

20. In view of the aforesaid findings, the Petitioners' challenge to the grant of disability element of pension to the Respondent by the Tribunal, is without any merits. The Respondent has been rightly held to be entitled to the disability pension under the Entitlement Rules, 2008.

21. We therefore find no merit in this petition; the petition is dismissed. No costs.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

FEBRUARY 02, 2026/IB/mt

[11] At Paragraph 5(ix) and (x)