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

% *Date of Decision: 02.02.2026*

\+ **W.P.(C) 1459/2026 & CM APPL. 7113/2026 CM APPL. 7114/2026**

UNION OF INDIA AND ORS .....Petitioners

Through: Mr Anshuman, SPC and Mr. Vaibhav Sood, Adv.

versus

SGT RAJESH KUMAR SINGH (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. 7114/2026(for exemption)

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

2. The application is disposed of.

W.P.(C) 1459/2026 & CM APPL. 7113/2026

3. This is a writ petition filed under Article 226 of the Constitution of India against the order dated 21.04.2023 [‘impugned order’] passed by the Armed Forces Tribunal Principal Bench, New Delhi [‘Tribunal’] in Original Application [‘O.A.’] No. 1115/2022 titled as SGT Rajesh Kumar Singh (Retd.) v. Union of India & Ors., wherein the Respondent has been granted

the benefit of the disability element of pension for Primary Hypertension (ICD -1.10, Z09.0) assessed at 30%, rounded off to 50% for life, from the date of his discharge from the service i.e., 31.07.2012.

4. The facts giving rise to the present petition are that the Respondent was discharged from the service on 31.07.2012 under the clause 'At his own request on transfer to pension establishment'.

5. The Release Medical Board ['RMB'] held on 11.07.2012 assessed the disability i.e., Primary Hypertension (ICD-1.10, Z09.0) 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 March 2007 at Bagdogra, West Bengal, the aforesaid disabilities were neither attributable to nor aggravated ['NANA'] by the military service.

6. The Respondent's claim of disability pension was rejected by the Petitioner vide letter dated 31.08.2012, as the disability was held to be NANA. The Respondent's first appeal challenging the said rejection was rejected on being a time barred case on 25.11.2021. In these facts, the Respondent filed O.A. No. 1115/2022 before the Tribunal for the grant of disability element of pension.

7. By the impugned order, the Tribunal after 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 hon'ble 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 govern attributability and aggravation and no longer permit a blanket presumption in favour of the claimant/officer; and since the RMB has opined the disease 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 was discharged from services on 31.07.2012 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 judgments hold that a bald statement in the report of the Medical Board opining 'ONSET IN PEACE STATION' would not be sufficient for the military department to deny the claim of disability pension; and rejected the opinions of the Medical Board. 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 reasons to be recorded by the Medical Board has been succinctly explained by the hon'ble 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/disability to be NANA.

12. In this background of settled law holding that the onus to prove disentitlement remains heavy on military establishment vis-à-vis Entitlement Rules, 2008, we have examined the facts of this case.

13. The Respondent was enrolled in the Indian Air Force on 02.09.1996 and the disease/disability Primary Hypertension (ICD -1.10, Z09.0) was discovered in the year 2007 [after 11 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 31.07.2012, as the RMB recommended his release on account of his low medical category A4G2.

14. The Petitioners have raised the issue of non-entitlement of the disability element of the pension only on the ground that the Medical Board

[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

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. Casual 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)	Reason/cause//specific condition and period in service
Primary Hypertension (old)	NO	NO	YES	Onset in peace and served in peace only prior to (up to 1 year) and after onset
Note: A disability "Not connected with service" would be neither Attributable nor Aggravated by service. (This is in accordance with instructions contained in Guide to Medical Officers (Mil Pension) 2008				

15. The Petitioners contend that disease is NANA since the onset of the disease was at a peace station and that there was no stress of the military service.

This precise reason has been specifically rejected by the coordinate Bench of this Court in **Col. Balbir Singh (Retd.)** (supra)[7] while granting disability pension to the officer suffering from Primary Hypertension, and has been held to be an invalid ground for denying attributability to the military service. The Court in the said decision after taking note of Regulation 423(a) of the Regulations for the Medical Services of the Armed Forces, 2010 held that the fact that the disability occurred in normal peace conditions is immaterial and by itself is not sufficient to deny disability

[7] At paragraph nos. 66 to 74

pension to the officer.

16. No other ground has been cited in the RMB report of the Respondent. In fact, the RMB herein categorically records in response to the question no. 2 that the Respondent did not have this disability before entering into service and also to the response of 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[8]. In these facts, since no other causal connection for the disease has been found to exist by the RMB, the plea of disability pension has been wrongly rejected by the Military establishment, and the officer would be entitled to disability pension.

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

18. 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

[8] Page 66 of the paper-book