



2026:DHC:2340-DB



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

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Date of Decision : 20.03.2026

+ W.P.(C) 3598/2026 CM APPL. 17459-17461/2026

UNION OF INDIA AND ORS

.....Petitioners

Through: Mr. Vedansh Anand, SPC with Mr.
Kush Garg, Adv.

versus

EX JWO VINOD KUMAR AGNIHOTRI

(695516-R)

.....Respondent

Through: Mr. Praveen Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

MANMEET PRITAM SINGH ARORA, J. (ORAL)

CM APPL. 17460/2026 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

W.P.(C) 3598/2026

3. This is a writ petition filed under Article 226 of the Constitution of India against the order dated 30.11.2023 [‘impugned order’] passed by the Armed Forces Tribunal Principal Bench, New Delhi [‘Tribunal’] in Original Application [‘O.A.’] No. 873/2019 titled as **Ex JWO Vinod Kumar Agnihotri v. Union of India & Ors.**, wherein the Respondent has been



2026:DHC:2340-DB



granted the benefit of the disability element of pension for 'Primary Angle Closure Glaucoma Both Eyes (Old)' assessed at 40% for life, rounded off to 50% for life, from the date of his discharge from the service.

4. The facts giving rise to the present petition are that the Respondent was discharged from the service on 31.07.2017 in Low Medical Category A4G4 (P) on fulfilling the conditions of his enrolment, and without disability pension.

5. The Release Medical Board ['RMB'] held on 03.05.2016 assessed the disability i.e., 'Primary Angle Closure Glaucoma Both Eyes (Old)' at 40% for life and opined that since the onset of the disease was at the time when the Respondent was serving at the peace station i.e., in September 2009 at Ambala/7Wg, the aforesaid disability is neither attributable to nor aggravated ['NANA'].

6. The Respondent's claim for disability pension was rejected vide letter dated 27.10.2016, as the disability was held to be NANA. Respondent's first appeal challenging the said rejection was rejected on 14.02.2019.

7. Subsequently, Respondent filed an O.A. No. 883 of 2024 before the Tribunal for the grant of disability element of pension. 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 has granted the relief of disability pension to the Respondent.

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

¹ 2013 (7) SCC 361

² 2014 SCC OnLine SC 1761



2026:DHC:2340-DB



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 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.

8.2 He states in the facts of this case, Respondent was discharged from services on 31.07.2017 and therefore, the Respondent would be governed by Entitlement Rules, 2008.

8.3 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. The Respondent was discharged from service on 31.07.2017 and therefore, indeed, the Respondent’s entitlement for disability pension will be governed by Entitlement Rules, 2008.

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



2026:DHC:2340-DB



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 judgments hold that 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 Release Medical Board opining 'ONSET IN PEACE STATION', would not be sufficient for the military department to deny the claim of disability pension; and the Division Bench rejected such opinions of the Medical Board. The said judgments hold that the burden to prove the disentanglement 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

³ 2025: DHC: 2021-DB

⁴ 2025: DHC: 5082-DB



2026:DHC:2340-DB



beneficial provision to the officer.

11. On the issue of establishing causal connection of the disease with factors other than military service, we also note that the Supreme Court in its 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 causal connection (as other than military service) is on the Military Establishment.

The character 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. The Supreme Court held 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 and thus invalid. The Supreme 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 on military establishment even vis-à-vis Entitlement Rules, 2008 and the Medical Board must give cogent reasons for denying attributability and aggravation, we have examined the facts of this case.

13. The Respondent was commissioned in the Indian Air Force in 17.01.1985 and the disease of ‘Primary Angle Closure Glaucoma Both Eyes (Old)’ was discovered in the year 2009 [after 24 years of service], while he

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



was serving at peace station and therefore, the disease has indisputably arisen during his military service.

14. The Tribunal has recorded in its impugned order that the Respondent served at various areas including several field areas and carried out stressful duties, in difficult environmental conditions, putting tremendous pressure on his health and that stress and strain is one of the known factors which can precipitate the said disease. Relevant paragraphs of the said order, is produced below:

15. Reliance is placed on the amendment to Chapter VI of the 'Guide to Medical Officers (Military Pension), 2008 at Para-35(a), which reads as under:-

"35. Glaucoma (a) Primary Glaucoma. May be either acute or chronic. **Its onset is generally speaking unaffected by service conditions; but exceptionally, an acute attack may be brought on by worry, fatigue, or illness and, if any of these were considered to be the result of service,** aggravation might have to be conceded. The onset may be insidious and it may reveal its presence for the first time as an acutely painful eye, but in the absence of evidence of undue mental or physical stress occasioned by war service, it cannot be considered that this disease is attributable to or has been aggravated by service factors."

14. It is pertinent to state that the applicant was detailed for his trade duties as MT /Fit. During his tenure, he served at various areas including field area from 2007 to 2008 in Congo on UN Mission. **The applicant during his various postings carried out very strenuous and stressful duties performed in difficult environmental conditions which could have put tremendous pressure on the health of the applicant, which cannot be overlooked.** Furthermore in terms of Para 35 of the GMO (MP) 2008 itself, it has been stipulated that stress and strain is one of



the known factors which can precipitate Primary Angle Closure Glaucoma. Thus, the disability of the applicant ought to be considered as attributable to and aggravated by military service. As regards the contention made by the respondents that the onset of the 'disease was in peace area, it has already been observed by this Tribunal in a catena of cases that peace stations have their own pressure of rigorous military training and associated stress and strain of the service. It may also be taken into consideration that most of the personnel of the armed forces have to work in the stressful and hostile -C- environment, difficult weather conditions and under strict disciplinary norms.

[Emphasis supplied]

15. There is no specific ground in the petition challenging the aforesaid finding of the Tribunal at paragraph 14 of the impugned order with respect to discharge of strenuous and stressful duties by the Respondent during its postings between 2007-2008.

16. It would be appropriate to refer to the decision of a coordinate Bench of this Court in **Union of India vs. SGT Parmendra Kumar Singh**⁷. The Division Bench while upholding the order of the Tribunal granting disability pension to an officer suffering from 'open angle Glaucoma' after referring to para 35 of chapter VI of GMO 2008⁸ held that where admittedly the said disease was contracted after being enrolled in the military service, in the absence of specific reasons enlisted by the Medical Board as required by para 35 of chapter VI of GMO 2008 in the RMB for opining NANA, the officer would be entitled to disability pension. The Division Bench held that in such cases Medical Board would have to state in the report that there is no

⁷ 2025 SCC OnLine Del 2290 at paragraphs 9 and 10

⁸ Guide to Medical Officers (Military Pension), 2008



evidence of any undue medical or any physical stress, as the cause of the Glaucoma.

17. In the facts of this case, the Petitioners have raised the issue of non-entitlement of the disability element of the pension 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)	Reason/Cause/ specific condition and period in service
PRIMARY ANGLE CLOSURE GLAUCOMA BOTH EYES (OLD) H 40.2, Z09.0.	NO	NO	YES	Onset of the disability was in Sep 2009 at Ambala/Peace area station. The disability is considered neither attributable nor aggravated by service as the onset of the disability unaffected by service. Para 35 of chapter VI of GMO (Mil Pen) 2008 refers.

Note: A disability "Not connected with service" would be neither Attributable nor Aggravated by

The Petitioners contended that disease is NANA since the onset of the disease was at a 'peace area' and that there was no stress of the military service at the relevant time. No other reason/ground has been cited in the RMB report of the Respondent for opining NANA and none has been urged by the Petitioner.

18. We may note that the RMB herein categorically records in response to the question no. 2 that the Respondent did not have this disability before



2026:DHC:2340-DB



entering into service at internal page 5 of RMB⁹ and also to the response of question no. 5(a) and (b), that the disability is not attributable or aggravated to the officer's own negligence or misconduct.

19. There is no opinion by the RMB as required under para 35, Chapter VI of the GMO to the effect that there is *no* evidence of any undue mental or physical stress of service leading to the Respondent suffering from the disease. In the absence of such a finding by the RMB, the Petitioners cannot contend that the disability is NANA [Re: **SGT Parmendra Kumar Singh** (supra)].

20. The only reason cited in the RMB is 'onset at peace station'.

The Division Bench in **Col. Balbir Singh Retd.** (supra) after referring to Regulation 423 (A) of the Regulations for the Medical Services of the Armed Forces, 2010 has held that the fact that the disability occurs in the normal peace condition is immaterial and by itself not sufficient to for holding NANA under the Entitlement Rules, 2008.

21. We therefore find that the reasons recorded in the RMB for holding NANA, are invalid as per the dicta of the judgments of the Division Bench in **SGT Parmendra Kumar Singh** (supra) and **Col. Balbir Singh Retd.** (supra) for denying disability pension.

22. We also note that in exercise of the certiorari jurisdiction of this Court over the decision of the Tribunal, this Court has the limited jurisdiction are delineated and the said parameters of jurisdiction are enlisted in the judgment of **Syed Yakoob v. K.S. Radhakrishnan**¹⁰. We have examined

⁹ Page 83 of the paper book

¹⁰ (1963) SSC OnLine SC 24 at paragraph 7 and 8



2026:DHC:2340-DB



the impugned order within the said parameters and find no ground to interfere with the impugned order, noting the reasons recorded by the Tribunal.

23. Additionally, we note that the impugned order is dated 30.11.2023 and the petition has been filed after nearly three years, without any explanation for such a delay. The Petitioner was obliged to comply with the impugned order of the Tribunal within three (3) months with effect from 30.11.2023; however, the same has not been complied with till date. Keeping in view that the claim of disability pension is beneficial in nature, the Petitioner ought to have taken steps to file its challenge within a time bound period, and certainly before the period of three (3) months had lapsed. There is no explanation whatsoever for the delay in approaching this Court and presumably the order of Tribunal have also not been complied with. We thus, hold that filing of this petition is also barred by delay and laches.

24. The Petitioners are directed to comply with the impugned order of the Tribunal without any further delay.

25. We therefore, find no merit in this petition; the petition is dismissed. Pending applications, if any, stands dismissed. No costs.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

MARCH 20, 2026/ IB/rhc