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

% *Date of Decision : 23.01.2026*

\+ W.P.(C) 1029/2026 CM APPL. 5002/2026

UNION OF INDIA & ORS.

.....Petitioners

Through: Ms. Kangan Roda, SPC and Ms. Apoorva Sharma, Adv.

versus

681225B EX MWO ASIS PRAMANIK

.....Respondent

Through: None.

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

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

1. The present petition has been filed seeking quashing of the order dated 17.08.2023[‘impugned order’] passed by the Armed Forces Tribunal, Principal Bench, New Delhi [‘Tribunal’] in Original Application [‘O.A.’] No. 730/2020 titled **Ex MWO Asis Pramanik (681225-B) v. Union of India & Ors**, wherein the Respondent has been granted benefit of the disability element of pension for Diabetes Mellitus Type -II [Old] ICD- E11, Z-09 at 20% for life, rounded off to 50% for life with effect from the date of discharge i.e. 31.01.2020.

2. The facts in the present case are that the Respondent was enrolled in the Indian Air Force on 23.08.1982 and was discharged from services on 31.01.2020 under the clause 'on attaining the age of superannuation after rendering total 37 years and 162 days of regular service'. The Release Medical Board ('RMB') proceedings were held on 13.03.2019, wherein the RMB assessed Respondent's disability of Diabetes Mellitus -II (Old) ICD-E11, Z-09 at 20% for life composite assessment for ID at 20% for life, the aforesaid disability was neither attributable to nor aggravated ('NANA'), by the service.

3. The Respondent's claim for disability pension was rejected by the Petitioner vide letter dated 30.06.2019 and was communicated to him vide letter dated 20.09.2019.

Thereafter, the Respondent approached the Tribunal for grant of disability element of pension. The Respondent claimed before the Tribunal that at the time of his entry into the Air force, he was subjected to a through medical examination, which found him medically fit in all aspects. He claimed that the onset of his disability was in October 2009 [i.e., after 27 years of service] when he was carrying out his administrative duties, which were strenuous and stressful.

4. By impugned order dated 17.08.2023 the Tribunal held the Respondent is entitled for disability element of pension and referred to the judgements of the Supreme Court in **Dharamvir Singh v. Union of India and Ors.**[1], **Union of India v. Ram Avtar**[2] and other judgements for granting the relief as claimed by the Respondent herein.

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

5. The only submission made by the learned counsel for the Petitioners is that the reliance placed by the Tribunal on the judgment of **Dharamvir 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 ('1982 Entitlement Rules', for short), whereas the case of the Respondent needs to be considered under the Entitlement Rules for Casualty Pensionary Awards to Armed Forces Personnel, 2008 ('2008 Entitlement Rules', for short).

The Petitioners contend that the Tribunal has overlooked 2008 Entitlement Rules, which presently govern attributability and aggravation and no longer permit a blanket presumption in favour of the claimant. She states in the facts of this case, Respondent was discharged on 31.01.2020 and therefore, the Respondent would be governed by 2008 Entitlement Rules. She states that the impugned order incorrectly applies the presumption under the repealed 1982 Entitlement Rules, ignoring the amended regime under 2008 Entitlement Rules. She states that 2008 Entitlement Rules have done away with the general presumption to be drawn in order to ascertain the principle of '*attributable to or aggravated by military service'*.

6. Having perused 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. In the facts of this case, the Respondent would be entitled to disability pension even under the 2008 Entitlement Rules.

7. 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 2008 Entitlement Rules, 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 2008 Entitlement Rules, 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' or 'lifestyle disorder' would not be sufficient for the military department to deny the claim of disability pension. The judgments hold that the burden to prove the disentitlement of pension therefore remains on the military department even under the 2008 Entitlement Rules; and emphasise on the significance of the Medical Board giving specific reasons for denial of this beneficial provision to the officer. The judgments hold that even under the 2008 Entitlement Rules, the onus to prove a causal connection between the disability and military service is not on the officer but on the administration.

8. For reference, we also note that the Supreme Court in its recent

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

opinion in the case of **Bijender Singh vs. Union of India and Others**[5], wherein at paragraphs 45.1, 46 and 47, has held as under on the aspect of furnishing of reasons by the Medical Board: -

> *"**45.1.** Thus, this Court held that essence of the Rules is that a member of the armed forces is presumed to be in sound physical and mental condition at the time of his entry into the service if there is no note or record to the contrary made at the time of such entry. In the event of subsequent discharge from service on medical ground, any deterioration in health would be presumed to be due to military service. The burden would be on the employer to rebut the presumption that the disability suffered by the member was neither attributable to nor aggravated by military service. If the Medical Board is of the opinion that the disease suffered by the member could not have been detected at the time of entry into service, the Medical Board has to give reasons for saying so. This Court highlighted that the provision for payment of disability pension is a beneficial one which ought to be interpreted liberally. A soldier cannot be asked to prove that the disease was contracted by him on account of military service or was aggravated by the same. The very fact that upon proper physical and other tests, the member was found fit to serve in the army would give rise to a presumption that he was disease free at the time of his entry into service. For the employer to say that such a disease was neither attributable to nor aggravated by military service, the least that is required to be done is to **furnish reasons** for taking such a view.*
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> ***46.** Referring back to the impugned order dated 26.02.2016, we find that the Tribunal simply went by the remarks of the Invaliding Medical Board and Re-Survey Medical Boards to hold that since the disability of the appellant was less than 20%, he would not be entitled to the disability element of the disability pension. Tribunal did not examine the issue as to whether the disability was attributable to or aggravated by military service. In the instant case neither has it been mentioned by the Invaliding Medical Board nor by the Re-Survey Medical Boards that the disease for which the appellant was invalided out of service could not be detected at the time of entry into military service. As a matter of fact, the Invaliding Medical Board was quite categorical that no disability of the appellant existed before entering service. As would*

[5] 2025 SCC Online SC 895

be evident from the aforesaid decisions of this Court, the law has by now crystalized that if there is no note or report of the Medical Board at the time of entry into service that the member suffered from any particular disease, the presumption would be that the member got afflicted by the said disease because of military service. ***Therefore the burden of proving that the disease is not attributable to or aggravated by military service rest entirely on the employer****. Further, any disease or disability for which a member of the armed forces is invalided out of service would have to be assumed to be above 20% and attract grant of 50% disability pension.*

47. Thus having regard to the discussions made above, we are of the considered view that the impugned orders of the Tribunal are wholly unsustainable in law. That being the position, impugned orders dated 22.01.2018 and 26.02.2016 are hereby set aside. Consequently, respondents are directed to grant the disability element of disability pension to the appellant at the rate of 50% with effect from 01.01.1996 onwards for life. The arrears shall carry interest at the rate of 6% per annum till payment. The above directions shall be carried out by the respondents within three months from today."

(Emphasis Supplied)

9. In this background of law settled vis-à-vis 2008 Entitlement Rules we have examined the facts of this case.

10. The Tribunal has held that the Respondent is entitled to disability element of pension in respect of his disabilities Diabetes Mellitus Type II (old) ICD- E11, Z-09 at 20% for life, rounded off to 50% for life from the date of discharge i.e., 31.01.2020. The Petitioners have only raised the issue of non-entitlement of the disability element of the pension on the ground that the Medical Board has held that the diseases are not attributable to or aggravated by the military service and is a lifestyle related disease. The opinion rendered by the RMB is extracted as under: -

PART V

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
DIABETES MELLITUS TYPE-II (OLD) ICD: E-11, Z-09	**NO**	**NO**	**YES**	**The disability is neither attributable nor aggravated by service, as there is no close time relationship to service out of infection (IDDM), trauma, post surgery and post-drug therapy(as per para 26 of Chapter-VI of GMO Mil Pension (2008))**

Note: A disability "not connected with service" would be neither attributable nor aggravated by service.

COGENT REASONING

(a) Is the disability a life style disorder / constitutional / due to infection / congenital / other causes ? **YES, the disability is a life style disorder.**

(b) Onset of disability in peace / hard area. Whether there is any close time association with service in field / CI Ops areas / High altitude prior to onset? – **Onset of disability is in modified field area and there is no close time association with service in field areas.**

(c) Whether there was any delay in diagnosis / treatment? – **NO.**

(d) Any association with stress and strain of service. RMB's are to record specific instances of service conditions to justify – **There is no association with stress and strain due to service.**

(e) Relevant para of GMO (MP) 2002 amended 2008- **Refers Para 26 of Chapter-VI of GMO -2008 (mil pension).**

11. The Respondent was enrolled in the Indian Air Force on 23.08.1982. The Respondent admittedly did not suffer any disability before joining the armed forces. The Respondent was discharged from service on 31.01.2020, under the clause 'on attaining the age of superannuation from service with low medical category A4G2'. The Respondent was diagnosed with the disease in October 2009, which is nearly 27 years after service and therefore there is not dispute that the disease arose during military service.

12. The Petitioners have contended that the onset of the disability is in modified field area and there is no close time association with service in field areas and is a lifestyle related disorder. These reasons have been specifically rejected by the coordinate Benches of this Court in both **Ex. Sub Gawas Anil Madso**[6] (supra) and **Col. Balbir Singh (Retd.)**[7] (supra) and have been held to be an invalid ground for denying attributability to the

[6] At paragraph nos. 82 to 84
[7] At paragraph nos. 66 to 74

military service.

13. The RMB categorically records that Respondent did not suffer any disability before joining the armed forces as recorded in the RMB in response to the second question at page 90 of the paper-book. The RMB further at page 90 of the paper book itself records its opinion at question no. 5 that the disability is not attributable to individual's own misconduct or negligence. In these facts, denying the disability pension by opining that it's a life style disorder has been rightly rejected as an invalid reason by the Tribunal.

No other ground has been cited in the RMB report for holding NANA. In these facts, if no other causal connection for the disease has been found to exist by the Medical Board, the plea of disability pension cannot be rejected by the Military establishment, and the officer has been rightly held to be entitled to disability pension. (Re: **Dropadi Tripathi v. Union of India**[8]).

14. In view of the aforesaid findings, the Petitioners challenge to the grant of disability element of pension to the Respondent, is without any merits.

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

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

JANUARY 23, 2026
IB/kp/MG

[8] 2025: DHC: 8709-DB at paragraph nos. 13 and 14.