



2026:DHC:588-DB



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

% *Date of Decision : 23.01.2026*

+ **W.P.(C) 973/2026 CM APPL. 4681/2026 CM APPL. 4682/2026**

UNION OF INDIA THROUGH SECRETARY, MINISTRY OF

DEFENCE & ORS.

.....Petitioner

Through: Mr. Abhishek Khanna

versus

EX HFO MANOJ KUMAR SINGH NO. 656613-N

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

MANMEET PRITAM SINGH ARORA, J. (ORAL)

1. This petition under Article 226 of the Constitution of India challenges the order dated 18.09.2024 ('impugned order') passed by the Armed Forces Tribunal, Principal Bench, New Delhi ('Tribunal') in Original Application (O.A.) 2563/2023 titled '**Ex HFO Manoj Kumar Singh v. Union of India and Ors.**', whereby the Tribunal has granted disability pension.

2. The facts to be noted are that the respondent was enrolled into the Indian Air Force on 28.10.1983 and was discharged from the services on 31.12.2020. The Release Medical Board ('RMB') proceedings were held on 31.12.2020, wherein the RMB assessed the respondent's disability of Diabetes Mellitus Type-II at 20% for life. It was further assessed that the



aforesaid disabilities were neither attributable nor aggravated ('NANA') by military service. The RMB's reasoning was that the onset of disease occurred in a peace area, with no history of posting in High Altitude Areas ('HAA').

The respondent's claim for disability pension was rejected by the petitioners vide letter dated 01.11.2021 on the basis of the said RMB report. Therefore, the respondent approached the Tribunal by way of O.A. 2563/2023, praying for the grant of disability element of pension.

3. The respondent claimed before the Tribunal that he has served in the Indian Air Force at various places in different environmental and service conditions in his prolonged service, thereby any disability at the time of his service is deemed to be attributable to or aggravated by military service.

4. By the impugned order dated 18.09.2024, the Tribunal allowed the respondent's claim and referred 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 for granting the relief as claimed by the respondent herein.

5. The petitioners contend that the reliance placed by the Tribunal on the judgment of **Dharamvir Singh v. Union of India and Ors.** (supra) is totally misplaced. The judgment applies to cases where the causal connection between the disabilities and military service is either established or presumed based on specific facts, such as service in adverse conditions. The petitioners served exclusively at peace stations, without exposure to HAA, filed, or operational areas. Therefore, the causal nexus required to apply for relying on these legal precedents is absent in the facts of the

¹ 2013 (7) SCC 316

² 2014 SCC OnLine SC 1761



present case.

6. It is contended that the Tribunal has failed to correctly apply the principles of attributability and aggravation under Paragraph 153 of the Pension Regulations for the Air Force, 1961 ('1961 Pension Rules'), and Paragraph 26 of the Guide to Medical Officers (Military Pensions) 2002 (as amended). These provisions mandate that for disabilities to qualify for a pension, there must be a direct and proximate causal connection with military service conditions. The RMB conclusively determined that Diabetes Mellitus Type II was NANA. The Tribunal unjustifiably disregarded these findings without providing cogent reasons.

7. Having perused the reasons recorded in the RMB for opining NANA, we are unable to agree with the submission made by the learned counsel for the petitioners that the Tribunal committed any error in granting relief to this respondent.

8. It is a matter of record that w.e.f. 03.01.2008, the award of disability pension in all military forces, including the Air Force, will be governed by the Entitlement Rules for Casualty Pension Awards to the Armed Forces Personnel, 2008 ('2008 Entitlement Rules'). The challenge to the impugned order is therefore to be examined on the threshold of the said Rules.

9. 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

³ 2025: DHC: 2021-DB



Union of India vs. Col. Balbir Singh (Retd.) and other connected matters⁴, 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 the significance of the Medical Board giving specific reasons for denial of this beneficial provision to the officer. The judgments hold that 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.

10. For reference, we also note that the Supreme Court in its recent opinion in the case of **Bijender Singh vs. Union of India and Others**⁵, wherein at paragraphs 45.1, 46 and 47, has emphasized on the obligation of the Medical Board to record reasons, which is as follows:

⁴ 2025: DHC: 5082-DB

⁵ 2025 SCC OnLine SC 895



“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.”

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 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)

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

12. The Tribunal has held that the respondent is entitled to disability element of pension in respect of his disability of Diabetes Mellitus Type-II at 20% for life, rounded off to 50% for life. The petitioners have not disputed the disability of the respondent, which is also borne out by the medical record.

13. The petitioners have raised the issues of non-entitlement of the disability element of pension on the ground that the RMB has held that the



disease is NANA due to military service. The opinion rendered by the RMB is extracted as under: -

PART VII
OPINION OF THE MEDICAL BOARD

President Medical Board
CHAF, Bangalore - 07

1. Please endorse diseases/disabilities in chronological order of occurrence

Disability	Attributable to service (Y/N)	Aggravated by service (Y/N)	DETAILED JUSTIFICATION
DIABETES MELLITUS TYPE-II (E11)	No	No	Onset of disability was in peace area. There is no history of close time association with HAA/ Field area/CI Ops area and there is no delay in diagnosis/ treatment. Hence, NANA. Refer Para 26 of CH VI of GMO 2008 (amended).

*Note: 1. A detailed justification regarding the board's recommendations on the entitlement for each disease / disability must be provided sequentially especially in NANA cases as per enclosed Appendix 'A'.
2. In case of multiple disabilities or inadequate space, do not paste over the opinion, an additional sheet should be attached instead, providing a detailed justification, which is authenticated by the President and all members of the Medical Board.
3. In case the medical board differs in opinion from the previous medical board, a detailed justification explaining the reasons to differ should be brought out clearly.
4. A disability cannot simultaneously be both attributable to or aggravated by military service, only one or neither of which will apply.*

Member _____ Member _____ President *(Signature)*

14. The respondent was enrolled in the Indian Air Force on 28.10.1983, and the disease was discovered in December 2020 (after 37 years of service) whilst posted in Bangalore, and therefore, the disease has indisputably arisen during his military service. The RMB has concluded that since the onset of the disease was in peace area and there is no close time association with HAA/Field Area/CI OPS area and since there is no delay in diagnosis treatment, hence it is a case of NANA. Significantly, the RMB categorically records that the disease is not attributable to the officer's negligence or misconduct. The RMB also notes that the disease was not recorded at the time of admission to his service. In these facts, the reasons recorded in the RMB for holding NANA has been rightly rejected by the Tribunal as invalid grounds for denying disability pension to the Respondent.



15. In the facts of this case, the RMB has not ascertained or identified a cause, other than military service, to which the disease can be attributed. If no other causal connection for the disease has been found to exist by the RMB, the plea of disability pension cannot be rejected by the military establishments, and the officer would be entitled to disability pension. (Re: **Dropadi Tripathi v. Union of India**⁶).

16. In view of the aforesaid findings, the petitioners' challenge to the grant of disability pension is without any merit.

17. 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/mt/aa

⁶ 2025: DHC: 8709-DB at paragraphs 13 and 14.