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

% *Date of Decision : 24.03.2026*

+ W.P.(C) 3754/2026 CM APPL. 18344-18345/2026

UNION OF INDIA AND ORS.Petitioners

Through: Ms. Arti Bansal CGSC with Ms.
Shruti Goel Adv.

versus

735734-K SGT LEELA RAM

VASHITHA (RETD.)

....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)

CM APPL. 18345/2026 (for exemption)

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

W.P.(C) 3754/2026

3. This is a writ petition filed under Article 226 of the Constitution of India against the order dated 10.01.2025 [‘impugned order’] passed by the Armed Forces Tribunal, Principal Bench, New Delhi [‘Tribunal’] in Original Application [‘O.A.’] No. 366 of 2021 titled as **SGT Leela Ram Vashitha (Retd) v. Union of India & Ors.**, wherein the Respondent has been granted the benefit of the disability element of pension for Diabetes Mellitus Type-II (Old) assessed at 20% 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 31.12.2018 in low medical category (A4G4)(P) after rendering a total of 29 years and 18 days of regular service.

5. The Release Medical Board ['RMB'], held on 10.04.2018, assessed his disabilities i.e., (a) Localization related Epilepsy (Old) E-11, Z09.0 at 20% for life (b) Diabetes Mellitus Type-II at 20% for life, with composite assessment for both at 40% for life.

It is recorded in the impugned order¹ that the Respondent did not press for the grant of disability element of pension in relation to the disability of 'Localization related Epilepsy' and only confined itself to the grant of the disability element of pension for 'Diabetes Mellitus Type-II (Old)'.

The RMB opined that since the onset of the disease i.e. Diabetes Mellitus Type-II (Old) was at the time when the Respondent was serving at the peace station i.e., in June 2012 at Gurgaon; and that there is no close association with field/CIOPs/HAA services, therefore, the aforesaid disability was neither attributable to nor aggravated ['NANA'] by the military service.

6. The Respondent's claim of disability pension was rejected by the Petitioner and the same was communicated to the Respondent vide letter dated 09.10.2018. The Respondent's first appeal dated 03.04.2019 and second appeal dated 05.06.2020 challenging the said refusal, had also rejected by the competent authority.

¹ At paragraph 3 of the impugned order.



7. In these facts, Respondent filed O.A. No. 366 of 2021 before the Tribunal for the grant of disability element of pension.

8. By the impugned order, the Tribunal while referring to the judgments of the Supreme Court in **Dharamvir Singh v. Union of India and Ors.**² and **Union of India v. Ram Avtar**³ granted the relief of disability pension to the Respondent.

9. 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 [‘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’].

9.1. She 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 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. She states that the impugned order incorrectly applies the presumption under the repealed Entitlement Rules, 1982, ignoring the amended regime under Entitlement Rules, 2008. She 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’.

² 2013 (7) SCC 361



10. Since, the Respondent was discharged from service in the year 2018, indeed the applicable rules would be the Entitlement Rules, 2008. However, having perused the opinion of the RMB, this Court finds no merit in the contention of the Petitioners that the Tribunal erred in granting disability pension.

11. 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**⁴ and W.P.(C) 140/2024 titled **Union of India vs. Col. Balbir Singh (Retd.) and other connected matters**⁵, 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 said 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

³ 2014 SCC Online SC 1761

⁴ 2025: DHC: 2021-DB

⁵ 2025: DHC: 5082-DB



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.

12. 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**⁶ 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**⁷. 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.

13. In this background of settled law, with respect to onus for proving causal connection remaining on military establishment and not the personnel even is-à-vis Entitlement Rules, 2008, we have examined the facts of this case and the RMB.

⁶ 2025 SCC OnLine SC 895 at paragraphs 45.1, 46 and 47

⁷ 2025 SCC OnLine SC 1064 at paragraphs 25, 26, 32 and 36



14. The Respondent was enrolled in the Indian Air Force on 14.02.1989 and the disease/disability of Diabetes Mellitus Type-II (Old) was discovered in the year 2012 [after 23 years of service], while he was serving at peace station and therefore, the disease has indisputably arisen during his military service.

15. The RMB in Part IV 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.

16. The opinion rendered by the RMB for holding NANA with respect to the disease of Diabetes Mellitus Type II is extracted as under:

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
(i) LOCALIZATION RELATED EPILEPSY (OLD) G-40, Z-09.0.	NO	NO	YES	Onset of disability while serving in peace(AF Stn Gurgaon). There is no evidence of infections (meningitis, cysticercus, encephalitis, TB) or service related trauma. Hence neither attributable nor aggravated in terms of Para 33 of GMO 2008.
(ii) TYPE-II DM (OLD) E-11, Z09.0	NO	NO	YES	Onset of disability while serving in peace, there was no delay in diagnosis. There is no close time association with Field/ CIOPs/HAA services. Hence neither attributable nor aggravated in terms of Para 26 of GMO 2008.

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) - 2002)

17. The Tribunal while rejecting the aforesaid opinion of NANA in the RMB, has noted that the Respondent rendered over 29 years of service, including postings in field areas under stressful and adverse conditions, and



that the onset of ‘Diabetes Mellitus Type II’ occurred after prolonged service. The relevant paragraph of the impugned order is reproduced under:

“13. The applicant served in the Indian Air Force for 29 years and 17 days. The onset of the disability occurred in June, 2012, after 23 years of long service. He has served in m the Indian Air Force at various places in different environmental and service conditions in his prolonged service career. During his entire career, the applicant was also posted in field areas for different (sic) tenures, where the life was full of stress and strain in performance of day to day duties apart from hostile climatic and environmental factors. The accumulated stress and strain of such a long service on the applicant cannot be overlooked and the disability of Diabetes Mellitus Type II has to be conceded to be attributable to and aggravated by military service.”

There is no challenge to this finding of the impugned order in the writ petition.

18. The reason ‘Onset at peace station’ has been categorically held to be a legally invalid ground for opining NANA, by the coordinate Benches of this Court in **Col. Balbir Singh (Retd.)** (supra)⁸ and **Anil Madso** (supra)⁹. In fact, in the case of **Anil Madso** (supra) the Court was specifically dealing with the disability of diabetes Mellitus Type-II (Old) and after rejecting the aforesaid ground, the Division Bench upheld the personnel’s claim for disability pension.

19. In facts of the present case, since no other causal connection for the diseases has been found to exist by the RMB, the plea of disability pension has been wrongly rejected by the military establishment. The Respondent has been rightly held, by the Tribunal to be entitled to the disability pension, even under the Entitlement Rules, 2008.

⁸ At paragraph nos. 66 to 74



20. Additionally, we note that the impugned order is dated 10.01.2025 and the petition has been filed after 1 year, without any explanation for such a delay. The Petitioner was obliged to comply with the impugned order of the Tribunal within three [3] months and it appears from the record that the Petitioner has not complied with the impugned order, till date. The Petitioner ought to have approached this Court immediately and it cannot elect to sleep over timely compliance of the impugned order. We hold that filing of this petition is also grossly barred by delay and laches.

21. 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 24, 2026/AJ/mt

⁹ At paragraph nos. 82 to 84