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

% *Date of Decision : 27.01.2026*

\+ W.P.(C) 1114/2026, CM APPL. 5472/2026

UNION OF INDIA AND ORS. .....Petitioners

Through: Mr. P.S. Singh, CGSC, Ms Shivangi Sharma, Ms. Minakshi Singh, Mr. Ashutosh Bharti, Mr. Rajneesh Kumar Sharma, Advs.

versus

EX MWO RATAN DEBNATH .....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. 5473/2026

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

2. Application stands disposed of.

W.P.(C) 1114/2026 CM APPL. 5472/2026

3. This petition under Article 226 of the Constitution of India lays the challenge to the order dated 27.09.2024 ('impugned order') passed by the Armed Forces Tribunal, Principal Bench, New Delhi ('Tribunal', for short) in Original Application ('O.A.') 3573/2023 titled **Ex MWO Ratan Debnath 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) at 20% for life, rounded off to 50% for life, from the date of discharge i.e., 31.01.2023.

4. The facts in the present case are that the Respondent was enrolled into the Indian Air Force on 13.09.1983 and was discharged from the services on 31.01.2023 under the clause 'on attaining the age of superannuation'. The Release Medical Board ('RMB', for short) proceedings were held on 10.05.2022, wherein the Medical Board assessed Respondent's disability of Diabetes Mellitus Type II (Old) at 20% for life. The Medical Board opined that since the onset of the disease was, at a time when the Respondent was serving at a peace station, the aforesaid disabilities were neither attributable nor aggravated ('NANA') by military service.

5. The Respondent's claim for disability pension was rejected by the Petitioners vide letter dated 05.04.2023. Thereafter, the Respondent approached the Tribunal by way of filing O.A. 3573/2023, thereby praying for grant of disability element of pension.

The Respondent claimed before the Tribunal that at the time of his enrolment into the Indian Air force on 13.09.1983, he was subjected to a thorough medical examination by the Recruiting Medical Board, which found him medically fit in all aspects. He claimed that the disability of Diabetes Mellitus Type II (Old), which he suffered from was due to the harshness of the military service.

6. It is pertinent to note that in the proceedings before the Tribunal, the Respondent claimed for disability element of pension qua one ailment, i.e., Diabetes Mellitus Type-II (Old) and gave up his claim for all other ailments.

7. By impugned order, the Tribunal allowed the Respondent's claim.

The Tribunal referred to the judgments of the Supreme Court in **Dharamvir Singh v. Union of India and Ors**.[1], **Union of India v. Ram Avtar**[2] and other judgments for granting the relief as claimed by the Respondent herein.

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 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 govern attributability and aggravation and no longer permit a blanket presumption in favour of the claimant. He states in the facts of this case, Respondent was discharged on 31.01.2023 and therefore, the Respondent would be governed by 2008 Entitlement Rules. He states that the impugned order incorrectly applies the presumption under the repealed 1982 Entitlement Rules, ignoring the amended regime under 2008 Entitlement Rules. He 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*'

9. Having perused the opinion of the RMB, 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. In the

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

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

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 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

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

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.

11. 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 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*

[5] 2025 SCC OnLine SC 895

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)

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

13. The Tribunal has held that the Respondent is entitled to disability element of pension in respect of his disability of Diabetes Mellitus Type II [Old] at 20% for life, rounded off to 50% for life from the date of discharge i.e., 31.01.2023. 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 disease is not attributable to or aggravated by the military service. The opinion rendered by the RMB is extracted as

under: -

PART VII

OPINION OF THE MEDICAL BOARD

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

Disability	Attributable to service (Y/N)	Aggravated by service (Y/N)	DETAILED JUSTIFICATION
(I) Type-2 Diabetes Mellitus (Old)	NO	NO	Onset of disability Nov 2018 at Chandigarh in peace area. Aggravation is conceded when onset occurs while serving in Field areas, HAA, CI OPS areas or the individual is posted to such areas following onset prolonged afloat service. It is held as NANA due to onset in peace. In the instant case, the onset of disability was in peace station and individual continued to serve in peace after the onset till retirement. Hence disability is conceded as NANA by service in terms of Para in terms of Para 26 of Chapter VI of GMO MIL Pension 2002/ 2008.
(II) Dyslipidemia (Old)	NO	NO	Onset of Disability: Nov 2018 at Chandigarh, peace area and prior to onset the individual has served in peace station. There was no delay in diagnosis/ treatment and no close time association of stress/strain of Field Area/ HAA/ CI Ops service. Hence, Dyslipidemia is a metabolic disease excessive intake of saturated fats with no casual connection to service, hence is neither attributable to nor aggravated by service.
(III) Nutritional Angemia (Old)	NO	NO	The disability is due to poor dietary habits. Onset in Mar 2020 at Chandigarh in peace station. No delay in diagnosis/treatment. No close time association with service conditions such as exposure to Irradiation, toxic chemicals, dietary compulsions, occupational hazard, septic infection during service. Therefore the disability is considered Not attributable and not aggravated by service in terms of Para 03, Chapter VI, GMO 2008.

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 and aggravated by military service, only one or neither of which will apply.

14. The Respondent was enrolled in the Indian Air Force on 13.09.1983 and the disease/disability Diabetes Mellitus type II (Old) was discovered in the year 2018 (after 35 years of service), while he was serving at peace station and therefore, the disease is indisputably arisen during his military service. The Respondent admittedly did not suffer any disability before joining the armed forces. The Respondent was discharged from service on 31.01.2023, as the RMB recommended his release on account of his low medical category.

15. The Petitioners have contended that since the onset of the disease was at a peace station the RMB has rightly concluded that the disease is not attributable nor aggravated by the military service. This reason in the RMB for denying disability pension to an Officer suffering from Type-II Diabetes Mellitus has 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 has been held to be an invalid ground for denying causal connection/attributability to the military service.

No other ground except onset at peace station has been cited in the RMB report. In fact, the RMB categorically records that disease was not attributable to the Respondent's own negligence or misconduct as recorded at page 67 of the paper-book. 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 would be entitled to disability pension. (Re: **Dropadi Tripathi v. Union of India**[8]).

16. In view of the aforesaid findings, the Petitioners' challenge to the grant of disability element of pension to the Respondent by the Tribunal, is without any merits. The Respondent would be entitled to the disability pension under the 2008 Entitlement Rules.

17. We therefore find no merit in this petition; the petition is dismissed.

18. No costs.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

JANUARY 27, 2026/IB

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[6] At paragraph nos. 82 to 84

[7] At paragraph nos. 66 to 74

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