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

% *Date of Decision: 27.03.2026*

\+ W.P.(C) 3979/2026

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

Through: Ms. Arti Bansal, CGSC

versus

COL. SUBRAMANIAN RAMESH (RETD.) .....Respondent

Through: Mr. O. S. Punia, 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. 19488/2026

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

2. The application stands disposed of.

W.P.(C) 3979/2026 & CM APPL. 19487/2026

3. This is a writ petition filed under Article 226 of the Constitution of India against the order dated 29.11.2023 [‘impugned order’] passed by the Armed Forces Tribunal Principal Bench, New Delhi [‘Tribunal’] in Original Application [‘O.A.’] No. 2652/2022 titled as **Col Subramanium Ramesh (Retd) v. Union of India & Ors.,** whereby the Respondent has been granted the benefit of the disability element of pension for Primary Hypertension assessed at 30%, rounded off to 50% for life, from the date of his retirement from the service, i.e.17.07.2011.

4. The facts giving rise to the present petition are that the Respondent, who was enrolled in the Army Medical Corps [‘AMC’] on 14.11.1981, was

prematurely released from service on his own request on 17.07.2011 in LMC[1] SIH1A 1P2 (P) E1.

5. The Release Medical Board ['RMB'] held on 13.05.2011 assessed the disabilities, i.e., (i) Primary Hypertension at 30% for life and (ii) Diabetes Mellitus Type-2 at 14%, compositely assessed at 40% for life.

The RMB opined that since Primary Hypertension was 'onset in the peace station', i.e., Danapur and Diabetes Mellitus Type-2 was due to 'Metabolic desirable of genetic origin'. Therefore, it held that the aforesaid disabilities are neither attributable to nor aggravated ['NANA'] by the military service.

6. The Respondent's claim of disability pension was rejected by the Petitioners vide letter dated 22.12.2011, as the disability was held to be NANA. Thereafter, the Respondent preferred a First Appeal on 26.09.2022, which was returned vide letter dated 07.10.2022, stating that the appeal was filed after a lapse of ten [10] years.

7. Pursuant thereto, the Respondent filed an O.A. before the Tribunal for the grant of disability element of pension. Pertinently, in the proceedings before the Tribunal, the Respondent claimed for disability element of pension *qua* one [1] ailment, i.e., Primary Hypertension and gave up his claim for the other ailment, Diabetes Mellitus Type-2.

8. Vide the impugned order, the Tribunal, after 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] allowed the O.A. and granted

[1] Low medical category
[2] 2013 (7) SCC 361
[3] 2014 SCC OnLine SC 1761

the relief of disability pension to the Respondent.

9. 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. 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 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.

9.2. She states in the facts of this case that the Respondent was prematurely released from services at his own request in the year 2011, and therefore, the Respondent would be governed by the Entitlement Rules, 2008.

9.3. 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'.

9.4. She states that the Tribunal has failed to appreciate the fact that the Respondent will be governed by the provisions and conditions mentioned

under Regulation 53 of the Pension Regulations, 2008 [‘2008 Regulation’].

10. We have heard the learned counsel for the Petitioners and perused the record. Since the Respondent was prematurely released from service on 17.07.2011, his claim would be governed by the Entitlement Rules 2008.

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 fifteen [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 judgments hold that a bald statement in the report of the

[4] 2025: DHC: 2021-DB
[5] 2025: DHC: 5082-DB

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. The said judgments hold that the burden to prove the disentitlement of pension therefore remains on the military department even under the Entitlement Rules, 2008, and emphasise the significance of the Medical Board giving specific reasons to justify their opinion for denial of this beneficial provision to the officer.

12. On the issue of establishing a 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 holding that the onus to prove

[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

disentitlement remains on the military establishment even vis-à-vis the Entitlement Rules, 2008 regime and the Medical Board must give cogent reasons for denying attributability and aggravation of the disease, we have examined the facts of this case.

14. The Respondent was enrolled in the AMC on 14.11.1981, and the disease Primary Hypertension was discovered in the year 2005 [after 24 years of service], while he was serving and therefore, the disease has indisputably arisen during his military service.

15. The Petitioners have raised the issue of non-entitlement of the disability element of the pension, on the ground that RMB has held that the disease is NANA by the military service. The opinion rendered by the RMB is extracted as under: -

PART V

OPINION OF THE MEDICAL BOARD

1. Casual relationship of the disability with service condition or otherwise				
disability	Attributable to service	Aggravated to service	Not connected with service	Specific condition and _____
Primary hypertension	No	No	Yes	Onset in peace
DMC type 2	no	no	Yes	Metabolic desirable of genetic origin

The RMB has classified the disease as NANA, on the grounds that its onset occurred in a peace area, and it was not attributable to any stress or

exigency of military service.

16. These very reasons have been specifically rejected by the coordinate Bench of this Court in **Col. Balbir Singh (Retd.)** (supra)[8] in the context of the Entitlement Rules, 2008, while similarly granting disability pension to the officer suffering therein from Primary Hypertension. The said reasons have been held to be invalid grounds for denying attributability to the military service.

The Division Bench in the said decision, after taking note of Regulation 423(a) of the Regulations for the Medical Services of the Armed Forces, 2010, held that the fact that the disability occurred in normal peace conditions is immaterial and by itself is not sufficient to deny disability pension to the officer.

The ground 'onset in peace' is thus an invalid ground and cannot be relied upon by the Petitioners to justify NANA.

17. It is pertinent to note that the RMB herein categorically recorded in response to the question no. 5 (a) and (b) at internal page 163, that the disability is not attributable or aggravated to the officer's own negligence or misconduct. Thus, the conclusion in the RMB that the disease is 'onset in the peace station' is therefore contradictory and bereft of reasons, required from the Medical Board.

18. No other ground has been cited in the RMB report of the Respondent for opining NANA.

In these facts, since no other causal connection has been found to exist by the RMB, for the disease, we agree with the Tribunal that the claim

[8] At paragraph nos. 66 to 74

of disability pension has been wrongly rejected by the Military establishment, and the officer has been rightly held entitled to disability pension as it is attributable to/or aggravated by the military services.

19. In view of the aforesaid findings, the Petitioners' challenge to the grant of disability element of pension to the Respondent is without any merit. The Respondent has been rightly held to be entitled to the disability pension under the Entitlement Rules, 2008, by the Tribunal in the impugned order. The Respondent is entitled to disability pension as per the Entitlement Rules 2008 and Regulation 53 of the Pension Regulations 2008.

20. We also note that in exercise of the certiorari jurisdiction of this Court over the decision of the Tribunal, the limited parameters of the jurisdiction are delineated in the judgment of **Syed Yakoob v. K.S. Radhakrishnan**[9]. We have examined the impugned order within the said parameters and find no ground to interfere with the impugned order.

21. Additionally, we note that the impugned order is dated 29.11.2023, and the petition has been filed after more than three [3] years, without any explanation for such a delay. The Petitioners were obligated to comply with the impugned order of the Tribunal within four [4] months, and it appears from the record that the Petitioners have not complied with the said order. The Petitioners ought to have approached this Court immediately and cannot elect to sleep over compliance with the impugned order of the Tribunal. Such conduct of the Petitioners shows abject disregard for the legal process. We hold that the filing of this petition is also grossly barred by delay and laches, and ought to be dismissed on this ground alone. Nevertheless, we

[9] 1963 SCC OnLine SC 24 [Paragraph 7 and 8]

have decided the petition on merits to avoid any further delay by the Petitioners in complying with the impugned order.

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

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

MARCH 27, 2026/aa