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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision : 29.01.2026*+ **W.P.(C) 1094/2026 & CM APPL. 5335/2026**

UNION OF INDIA &amp; ORS.

.....Petitioners

Through:

Mr. Gaurav Mishra, CGSC Mr.  
Himanshu Singh, Mr. Gaurav  
Mishra and Mr. Navneet  
Dubey, Advs.

versus

692688 EX HFL RAM KUMAR RETD

.....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 is a writ petition filed under Article 226 of the Constitution of India against the order dated 24.09.2024 passed by the Armed Forces Tribunal Principal Bench, New Delhi ['Tribunal'] in Original Application ['O.A.'] No. 3280/2023 titled as **Ex HFL Ram Kumar v. Union of India & Ors.**, wherein 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., 31.03.2023.

2. The facts giving rise to the present petition are that the respondent was retired from the service on 31.03.2023 under clause 'on attaining superannuation with permanent low medical category A4G4 (P)'. The



Release Medical Board [‘RMB’] held on 24.11.2022 assessed the disabilities i.e., Primary Hypertension (Old) 10.0 at 30% for life and Impaired Fasting Glucose (Old) R-73.03 at 15% for life, compositely assessed at 40.5% for life.

The RMB opined that since the onset of the disease was at the time when the respondent was serving at the peace station i.e., AFCAO, New Delhi and was due to the lifestyle disorder, the aforesaid disabilities were neither attributable to nor aggravated [‘NANA’] by the military service.

3. The respondent’s claim of disability pension was rejected by the petitioner vide letter dated 26.07.2023, as the disability was held to be NANA. The respondent’s first appeal challenging the said rejection was rejected.

4. In these facts, the respondent filed O.A. No. 3280/2023 before the Tribunal for the grant of disability element of pension. 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., Primary Hypertension (Old) 10.0 and gave up his claim for the other ailment.

5. By the impugned order, the Tribunal after referring to the judgments of the Supreme Court in **Dharamvir Singh v. Union of India and Ors.**<sup>1</sup> and **Union of India v. Ram Avtar**<sup>2</sup> granted the relief of disability pension to the respondent.

6. 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

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<sup>1</sup> 2013 (7) SCC 361

<sup>2</sup> 2014 SCC OnLine SC 1761



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’].

6.1. He 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. He states in the facts of this case, respondent was retired on 31.03.2023 and therefore, the respondent would be governed by Entitlement Rules, 2008. He states that the impugned order incorrectly applies the presumption under the repealed Entitlement Rules, 1982, ignoring the amended regime under Entitlement Rules, 2008. He 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’.

7. Having perused the reasons recorded in 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.

8. 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<sup>3</sup> and W.P.(C) 140/2024 titled Union of India vs. Col. Balbir Singh (Retd.) and other connected matters<sup>4</sup>**, 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 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 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; and rejected the opinions of the Medical Board. The 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 on the significance of the Medical Board giving specific reasons to justify their opinion for denial of this beneficial provision to the officer.

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

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<sup>3</sup> 2025: DHC: 2021-DB

<sup>4</sup> 2025: DHC: 5082-DB



judgment in the case of **Bijender Singh vs. Union of India**<sup>5</sup> 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 same is on the Military Establishment. The 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**<sup>6</sup> to state 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. The 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 to be NANA.

10. In this background of law settled with respect to onus remaining on military establishment vis-à-vis Entitlement Rules, 2008, we have examined the facts of this case. The opinion in the RMB relied upon by the petitioner in these proceedings similarly fails the test of a reasoned opinion as stipulated in the aforesaid judgments of the Supreme Court and this Court.

11. The petitioners have raised the issue of non-entitlement of the disability element of the pension only on the ground that the Medical Board has held that the disease is NANA by the military service. The opinion rendered by the RMB is extracted as under: -

Disability	Attributable to service Y/N	Aggravated by service (Y/N)	Detailed Justification
Primary Hypertension (Old) I- 10.0	No	No	Life style disorder, Onset at peace location (Delhi), Not associated with stress & strain of service, No delay in diagnosis & treatment, Hence NANA by service vide Para 43 of Ch VI in GMO 2008.
Impaired Fasting Glucose (Old) R- 73.03	No	No	Life style disorder, Onset at peace location (Delhi), Not associated with stress & strain of service, No delay in diagnosis & treatment, Hence NANA by service vide Para 26 of Ch VI in GMO 2008.

<sup>5</sup> 2025 SCC OnLine SC 895 at paragraphs 45.1, 46 and 47

<sup>6</sup> 2025 SCC OnLine SC 1064 at paragraphs 25, 26, 32 and 36



The relevant portion is pertaining to the opinion of the Medical Board for the disease of Primary Hypertension (Old) I-10.0.

12. The respondent was enrolled in the Indian Air Force on 04.04.1984 and the disease/disability Primary Hypertension (Old) I-10.0 was discovered in the year 2020 [after 36 years of service], while he was serving at peace station and therefore, the disease has indisputably arisen during his military service. The Respondent was discharged from service on 31.03.2023, as the RMB recommended his release on account of his low medical category.

13. The petitioners contend that disease is NANA since the onset of the disease was at a peace station and that there was no stress of the military service; and the disease was due to lifestyle disorder. These precise reasons have been specifically rejected by the coordinate Bench of this Court in **Col. Balbir Singh (Retd.)** (supra)<sup>7</sup>, while granting disability pension to the Officer suffering from Primary Hypertension, and have been held to be invalid grounds for denying attributability to the military service.

14. In fact, in another judgment the coordinate Bench of this Court in **Union of India and Others v. Col. Koutharapu Srinivasa Retd.**<sup>8</sup>, has held that referring a disease as lifestyle disorder will not prove/confirm that the disease was not attributable to military service. The Court opined that in case the lifestyle of the officer is the cause of the disease, the medical opinion must reflect the causative lifestyle factors (i.e., enlist the reasons for such an opinion). In the present case, the RMB has merely classified the respondent's disease of Primary Hypertension as a lifestyle disorder and says nothing about the specific lifestyle factors of the respondent, which led

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<sup>7</sup> At paragraph nos. 66 to 74

<sup>8</sup> 2025 SCC OnLine Del 4292 at paragraphs 5 and 16



to the cause of the disease.

In fact, the RMB herein categorically records in response to the question nos. 2(a) and (b) that the disability is not attributable to the officer's own negligence or misconduct, at internal page 5 of the RMB<sup>9</sup>. The answers to this question show that the opinion of the Medical Board that it is a lifestyle disorder is a conclusion, which is negated and even otherwise not substantiated by any reasons.

15. In these facts, since no other causal connection for the disease has been found to exist by the RMB, the plea of disability pension has been wrongly rejected by the Military establishment, and the officer would be entitled to disability pension.

16. In view of the aforesaid findings, the petitioners' challenge to the grant of disability element of pension to the respondent, is without any merits. The respondent has been rightly held to be entitled to the disability pension under the Entitlement Rules, 2008.

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 29, 2026**

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<sup>9</sup> Page 74 of the paper-book