



2026:DHC:6576-DB



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

Date of decision: 11th August, 2026

CNR No. DLHC010633632025

+ W.P.(C) 13401/2025 & CM APPL. 54939/2025

**1. UNION OF INDIA,
THROUGH THE SECRETARY,
MINISTRY OF DEFENCE
SOUTH BLOCK
NEW DELHI-110011.PETITIONER NO.1**

**2. CHIEF OF NAVAL STAFF,
INTEGRATED HQ OF MOD (NAVY)
THROUGH PDPA,
NEW DELHI-110011.PETITIONER NO.2**

**3. NAVAL PENSION OFFICE
C/O INS TANAJI
SION TROMBAY ROAD, MANKHURD,
MUMBALI-400088PETITIONER NO.3**

**4. PRINCIPAL CONTROLLER OF
DEFENCE ACCOUNTS (P),
ALLAHABAD, UTTAR PRADESH
PIN-211012PETITIONER NO.4**

Through: Mrs Anubha Bhardwaj, CGSC with Ms. Ananya,
Advocate.

Versus

EX-EM (R)-I, RAVI DALAL, NO. 210887-R



HOUSE NO. 16, VILL. KHIRARI
PO-SULTANPUR, NEW DELHI-110030**RESPONDENT**

Through: Mr. Ved Prakash and Ms. Pallavi Awasthi, Advocates.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE AMIT SHARMA

JUDGMENT (ORAL)

NITIN WASUDEO SAMBRE, J.

1. The present writ petition is preferred by the Union of India, questioning the judgment and order dated 21st September, 2023 (hereinafter referred to as the “impugned judgment”), passed by the Armed Forces Tribunal, Principal Bench, New Delhi.

2. *Vide* the judgment impugned, the declaration is granted by the tribunal in favour of the respondent, thereby making him entitled for grant of disability element of pension for the injuries he suffered. The disability element of pension was assessed at 40% and rounded off to 50%.

3. The facts necessary for deciding the present writ petition are as under: -

(i) On 28th July, 2004, the respondent was commissioned in the Indian Navy.

(ii) After having taken permission from the Officer of the day, he left offshore, and met with an accident on 14th January, 2011. During the accident, he suffered the following two injuries: -

(a) Fracture anterior column acetabulum @ 20%; and



- (b) Open fracture distal 1/3rd tibia fibula (RT) @ 20%.
- (iii) Based on the same, the Release Medical Board assessed the disability and observed that the same was neither attributable to nor aggravated by the Naval Services.
- (iv) As a sequel of above, the net assessment of disability for the purpose of determining the disability pension, was assessed as nil. The aforesaid certification on 24th January, 2019, was endorsed by the Competent Authority, thereby rejecting the claim for disability pension *vide* order dated 29th July, 2019. The respondent was discharged from services after having completed 15 years and 3 days of qualifying service on 31st July 2019.
- (v) As the appeal against the aforesaid order for grant of disability pension was rejected on 4th August, 2019, the same prompted the respondent to file an OA 298/2020 before the learned Armed Force Tribunal, in which the impugned judgment came to be passed entitling the respondent of disability pension to 50%.
4. The learned counsel for the petitioners, while questioning the impugned judgment would urge that once the medical board has assessed the injuries, being self-inflicted, and it is recorded that the injuries were not attributable to the services/duties which the respondent was discharging, the order of entitling the respondent for pension is illegal and beyond the scope of relevant pension rules. According to the learned counsel for the petitioners, the injuries were self-inflicted as the same were suffered during the course of an accident of two private vehicles, *viz*, the respondent was riding a motorcycle which met with an accident with a four-wheeler (private vehicle). As



such, she would urge that the respondent was rightly held to be not entitled for the pensionary benefits.

5. As against the above, the learned counsel for the respondent would support the impugned judgment passed by the learned Armed Force Tribunal. According to him, it is an admitted position on record that the respondent suffered the injuries during the course of an accident, which were assessed to 40% disability by the medical board. It is claimed that the respondent took permission from the Officer of the day for proceeding offshore and the accident was caused while he was returning from the aforesaid offshore visit, which is part of and connected to the service of the petitioners. As such, it is urged that the cause for accident and the injury being suffered, can be attributable to the service conditions.

6. Specific reliance is placed by the learned counsel for the respondent on the judgments passed by the Hon'ble Apex Court in ***Union of India & Anr. v. Surendra Pandey, (2015) 13 SCC 625, Madan Singh Shekhawat v. Union of India & Ors., (1999) 6 SCC 459*** and a judgment of this Court in ***Union of India & Ors. v. EX SEA-1 (GE) Sandeep Kumar, 2025:DHC:5731-DB***. According to him, even the "General Rules of Guide to Medical Officers (Military Pensions) 2002, can be read down to the benefit of the respondent.

7. Learned counsel for the respondent would as such urge that the impugned judgment passed by the learned Armed Forces Tribunal is within the preamble of the rules and as such does not warrant any interference in the matter.

8. From the record, the admitted facts as can be derived are: -



(i) The respondent was in the employment of the petitioners and for visiting offshore, prior permission from the Officer of the day was taken. The respondent met with an accident and the disabilities suffered by him were assessed and certified as 40%. The learned Armed Force Tribunal has rounded off the same to 50%.

(ii) As such the respondent suffered the accident while he was returning to the Unit after an offshore visit, upon taking due permission from the Officer of the day of the petitioners.

(iii) The visit to offshore is in fact permissible under the service conditions, as provided by the petitioners, for the respondent.

(iv) In such an eventuality, there is no reason to infer that the respondent's travel to the unit, after permission from the Officer of the day of the petitioners, is not a part of his service.

(v) In our opinion, the learned Armed Force Tribunal has rightly drawn an interference that the respondent herein is entitled for not only the disability pension, but also rounding off the same to 50%. The views expressed by the learned Armed Force Tribunal are based on the judgment passed by the Hon'ble Apex Court in ***Union of India v. Ram Avtar (Civil Appeal No. 418/2012)*** decided on **10th December, 2014** and also that of ***Secretary, Government of India & Ors. v. Dharamvir Singh v. Union of India and Ors., (2020) 14 SCC 582.***

9. In view of the aforesaid, in our opinion, no interference is called for in extraordinary jurisdiction. The writ petition lacks merits and is accordingly dismissed and disposed of.

10. The benefits be released to the respondent as expeditiously as possible, and in any case, within a period of 12 weeks from today.



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11. Needless to say, the ad-interim order already stood vacated by virtue of this judgment.

12. The judgment be uploaded on the website of this Court, *forthwith*.

**NITIN WASUDEO SAMBRE
(JUDGE)**

**AMIT SHARMA
(JUDGE)**

AUGUST 11, 2026/bsr/db