



2025:DHC:11430-DB



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

+ **W.P.(C) 3261/2025**

UNION OF INDIA

.....Petitioner

Through: Mr. Neeraj Dubey, SPC, Mr.
Shubham Kumar, Adv.
Major Murlidhar Army.

versus

EX SUB ASHOK KUMAR

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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12.12.2025

C.HARI SHANKAR, J.

CM APPL. 15316/2025

1. Exemption allowed, subject to all just exceptions.

2. The application stands disposed of.

W.P.(C) 3261/2025

3. This is a petition where Union of India has challenged an order passed by the Armed Forces Tribunal, whereby disability pension has



2025:DHC:11430-DB



been granted to the respondent.

4. The reasoning of the Release Medical Board¹ on the basis of which the respondent was disqualified for CAD-SVD PTCA TO LAD² is as follows:-

“Onset of ID was in Mar 2015. There is no close time relation with Field/ CI ops/HAA. Hence conceded neither attributable nor aggravated by mil service. Ref Para 47, chapter VI of Guide to Medical Officer (Military Pensions) & 14 days charter of duties.”

5. It is also acknowledged in the RMB that at the time of his entry into the service, the aforesaid ailment was not present.

6. In cases involving identical recommendations of the RMB, where the respondent was found suffering from CAD, this Court has, *inter alia* in **UOI v. EX JWO Dharmendra Prasad**³ and **UOI v. EX JWO SK Srivastava**⁴, upheld the order of the Armed Forces Tribunal and dismissed the petition of the Union of India.

7. To our knowledge, none of the said orders have been reversed or interdicted by the Supreme Court in any matter.

8. Accordingly, following the said decisions, this writ petition is

¹ “RMB” hereinafter

² Coronary Artery Disease-Single Cell Disease Percutaneous Transluminal Coronary Angioplasty with Left Anterior Descending Artery affected

³ 2025 SCC OnLine Del 2549

⁴ 2025 SCC OnLine Del 4909



2025:DHC:11430-DB



dismissed.

9. Let compliance to the order passed by the Armed Forces Tribunal be ensured within 12 weeks.

C.HARI SHANKAR, J

OM PRAKASH SHUKLA, J

DECEMBER 12, 2025/AT