



2025:DHC:7337-DB



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

+ **W.P.(C) 16812/2022**

**EX-CONSTABLE VIRENDER SINGH** .....Petitioner

Through: Mr. Virender Singh Tomar,  
Adv.

versus

**UNION OF INDIA AND ORS.** .....Respondents

Through: Mr. Subhash Tanwar (CGSC),  
Mr. Naveen, Mr. Sandeep Mishra, Mr.  
Harshit Deshwal, Advs. with Mr. Devender  
Singh (Dy. JAG)

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**ORDER(ORAL)**

% **25.08.2025**

**C. HARI SHANKAR, J.**

1. It is a matter of concern that the petitioner, despite having an opinion by the Medical Board in his favour, specifically stating that the disability (Trivial Mitral Regurgitation) from which he was found to suffer, 13 years after he had joined the respondent ITBP, has had to struggle for 3 years for his due entitlement to disability pension.

2. The law as regards disability pension is well settled. We have had an occasion to examine the entire legal position recently in our decision in *UOI v Ex Sub Gawas Anil Madso*<sup>1</sup>. Subsequently, the said

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<sup>1</sup> 2025 SCC Online Del 2018



decision has been followed by a coordinate bench in *UOI v Balbir Singh*<sup>2</sup>. The Supreme Court has also, in his decision in *Bijender Singh v UOI*<sup>3</sup>, specifically upheld the entitlement of persons who are found to suffer from disabilities many years after they joined service, and regarding whom there is no record of disability at the time when they joined, to disability pension.

3. Moreover, in the present case, there is an opinion by the Medical Board which specifically states that the disability from which the petitioner was found to be suffering was “due to stress and strain of service”.

4. Mr. Subhash Tanwar, CGSC who appears for the UOI does not have any submission to advance on the aspect of disability except to state that the petitioner had not been posted to any high altitude area and had not been complaining of any symptoms. We are surprised at this submission, which is in the teeth of the opinion of the Medical Board.

5. We are also constrained to observe, with some discomfiture, that arguments were sought to be advanced on the aspect of delay in filing the writ petition, oblivious of the fact that, on 8 December 2022 itself, the delay stands condoned by this Court by allowing CM APPL. 53123/2022, which has not been challenged till date.

6. In the circumstances, the writ petition is allowed. The petitioner

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<sup>2</sup> Judgment dated 1 July 2025 in WP (C) 140/2024

<sup>3</sup> 2025 SCC OnLine SC 895



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is directed to be dispensed disability pension which would be computed from the date of his claim for disability pension with interest thereon, at the rate of 9 % per annum, computed from the said date.

7. The said amounts are directed to be disbursed to the petitioner positively within two weeks from today and the compliance report in that regard be filed with the Registry of this Court.

**C. HARI SHANKAR, J.**

**OM PRAKASH SHUKLA, J.**

**AUGUST 25, 2025/ng**