



2025:DHC:11393-DB



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

+ W.P.(C) 18852/2025 and CM APPL. 78461/2025

UNION OF INDIA & ORS. ....Petitioners

Through: Mr. Satya Ranjan Swain, CGSC

versus

EX HAV PANKAJ KUMAR KAUSHIK

(14620307-A)

.....Respondent

Through: Mr. V S Kadian and Mr.  
Sukhbir Singh, Advocate

**CORAM:**

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

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

**JUDGMENT (ORAL)**

% **12.12.2025**

**C. HARI SHANKAR, J.**

1. This appeal is directed against order dated 23 November 2023 passed by the learned Armed Forces Tribunal<sup>1</sup> to the extent it allows disability pension to the respondent.

2. After having served with the petitioners for over 15 years, the respondent was found to have suffering from Immune Surveillance to the extent of 40% and Primary Hypertension to the extent of 30% with a composite disability to the extent of 58%, for life.

3. The respondent was released from military service on the aforesaid grounds. He claimed disability pension, which stands

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<sup>1</sup> "AFT", hereinafter



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allowed by the Tribunal, against which order the Union of India has preferred the present writ petition.

4. The only reasoning of the Release Medical Board, which considered the case of the respondent, for treating his ailment as neither attributable to, nor aggravated by, his military service, reads thus:

“Due to onset in peace Ref para 43 of ch vi of GMO 2008 (MP)  
NANA”

5. In similar cases, this Court has already granted disability pension and upheld the order of the AFT. We may cite, in this context, *Union of India v. Ex. SGT Manoj K L Retd*<sup>2</sup>, *Union of India v. Rajveender Singh Mallhi*<sup>3</sup> and *Union of India v. Koutharapu Srinivasa*<sup>4</sup>. None of these decisions are shown to have been disturbed, or even stayed, in appeal.

6. Following the said decisions, this writ petition is dismissed.

7. Let compliance with the orders passed by the AFT be ensured within twelve weeks from today.

**C. HARI SHANKAR, J.**

**OM PRAKASH SHUKLA, J.**

**DECEMBER 12, 2025/yg**

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<sup>2</sup> 2025 SCC OnLine Del 8442

<sup>3</sup> 2025 SCC OnLine Del 3956

<sup>4</sup> 2025 SCC OnLine Del 4292