



2025:DHC:8709-DB



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

+ **W.P.(C) 10154/2025**

DROPADI TRIPATHI

.....Petitioner

Through: Mr. A.K Trivedi and Mr. Dhruv
Kothari, Advs.

versus

UOI & ORS

.....Respondents

Through: Mr. Satya Ranjan Swain, SPC
Major Anish Muralidhar (Army)

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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26.09.2025

C. HARI SHANKAR, J.

1. This writ petition is directed against order dated 13 April 2023 passed by the Armed Forces Tribunal¹ in OA 1843/2018², whereby the petitioner's claim for disability pension has been dismissed.

2. The petitioner joined the Army on 10 November 1969 as a regular Nursing Officer. She retired on 31 July 2006. She was released on low medical category on 31 July 2006. At the time of her release, she was assessed by a Release Medical Board³. The Board noticed the fact that she had been in service for 36 years and three months. She was found to be suffering from obesity and hypertension.

¹ "AFT" hereinafter

² **Dropadi Tripathi v Union of India**



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The degree of disability was found to be 1-5 % on account of obesity and 30% on account of hypertension.

3. The petitioner applied for disability pension on the ground of disabilities from which she was found to be suffering and on account of which she was released from service. Her request was rejected. She accordingly instituted OA 1843/2018 before the AFT, in which the presently impugned order has come to be passed.

4. The AFT has noted the fact that, in an earlier Medical Board which was constituted in 1999, the petitioner was found to be suffering from obesity and hypertension and that she had been advised to reduce her weight but instead of doing so, her weight increased. The Tribunal has, therefore, held that the hypertension from which the petitioner was suffering was attributable only to her obesity and that, therefore, the petitioner could not be granted disability pension.

5. On this ground, the benefit of the judgment of the Supreme Court in *Dharamvir Singh v Union of India*⁴ has also been denied to the petitioner.

6. Aggrieved thereby, the petitioner has approached this Court by means of the present writ petition.

7. We have heard Mr. A. K. Trivedi, learned Counsel for the petitioner, and Mr. Satya Ranjan Swain, learned SPC for the

³ “RMB” hereinafter

⁴ (2013) 7 SCC 316



respondent.

8. Mr. Swain submits that there is no error in the order of the Tribunal as the petitioner had specifically been advised to reduce her weight. He emphasises the fact that it is the primordial duty of persons in the army forces to maintain healthy weight and lifestyle, and that if the petitioner was found to be suffering from hypertension it was only owing to her own default. He submits, therefore, that there is no error whatsoever in the reasoning of the Tribunal.

9. We have considered the submissions of both sides.

10. Mr. Swain further interjects mid-dictation to submit that the petitioner's weight was 84 kg which was grossly over the prescribed weight of 52 kg.

11. The law relating to disability pension is well settled by the judgments of the Supreme Court in *Dharamvir Singh* and *Bijender Singh v Union of India*⁵, the judgment of a coordinate Bench of this Court (authored by one of us, C. Hari Shankar, J.) in *Gawas Anil Madso* and the judgment of a coordinate Division Bench of this Court in *Union of India v Balbir Singh*⁶.

12. In all these decisions, the common considerations which are to govern any plea for disability pension now stand authoritatively crystalised. The Court is first to see whether, at the time of induction

⁵ 2025 SCC OnLine SC 895

⁶ Judgment dated 1 July 2025 in WP C 140/2024



into military service, any note had been entered to the effect that the candidate was suffering from the disability or ailment from which she, or he, was later found to be suffering and on account of which the candidate was invalided or released out of service. If not, the Court has to see whether there is any noting that stage to the effect that the ailment was one which could not have been detected or whether the absence of noting was on account of any concealment of information by the candidate by herself/himself. If these considerations do not apply, there would be a presumption that the ailment or disability is attributable to military service, unless the RMB or Specialist who examined the officer attributes the ailment or disability to some other cause.

13. In our decision in ***Gwas Anil Madso***, we have also noted in this context the regulations of the respondents themselves, particularly Rule 9 of the Entitlement Rules for Casualty Pensionary Awards, 1982, in which it is specifically noted that *the onus to prove a causal connection between the disability and military service is not on the candidate but on the administration*.

14. It is for the medical board to ascertain and identify the cause, other than military service, to which the ailment or disability can be attributed. If no such causal connection is found to exist by the medical board, or even by the specialist who has examined the candidate, the plea for disability pension cannot be rejected.

15. In ***Bijender Singh***, the Supreme Court has advocated an expansive view in such cases, and has cautioned against unjustified



rejections of pleas for disability pension.

16. In the present case, the petitioner seeks disability pension only on the ground of hypertension as the degree of disability on that ground is 30%, which is over the minimum degree of disability which would entitle the candidate to disability pension.

17. Apropos hypertension, the RMB has merely noted thus:

“No causal connection with service.”

18. No reasoning whatsoever is forthcoming from the opinion of the RMB. The RMB has not even recorded a perfunctory observation that the hypertension from which the petitioner was suffering was attributable to any other cause.

19. We have also, to satisfy ourselves, seen the opinion of the specialist who had examined the petitioner. The said opinion reads thus:

“OPINION AND SUMMARY OF LT COL AK PAWAH CL SPL (MED) OF BH LUCKNOW DATED 17.02.06 IN RESPECT OF NR 14630L COLD TRIPATHI OF BH LUCKNOW”

Disability- (a) Obesity

Onset (b) Primary Hypertension -1999

Classification - P2 Permanent

Board -Release Medical

C/O -Nil On tab Nutrilase SR. IOD, Tab Amlodipine 10 mg OD

On Examination- Ectomorphic Weight 84 Kgs W/H Ratio 0.91



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BMI-34
GEN: Pulse 72/mt, BP-140/80mm of hg
Pallor -No Icterus-No Cyanosis- No Clubbing-No JVP-
NR Pedal oedema-No Xanthelasma-No

SYSTEMIC

CVS: 152 Normal, No S3, S4 Or Murmur

RESP: Trachea- clear
Breath Sound -clear

P/a: Sft
Liver

Spleen No Hepatosplenomegally
No Renal Bruit

CNS HMF Normal
Fundus of the Eye- Normal
Cranial nerves- Normal
Motor System -Normal

INVESTIGATION

Blood Hb 13.2gm/dl, TLC-780.7cmm, DLC-N-63, 1-31, M-02, E-04
Urine/ME-NAD FBS-8img/dl, PPBS-127 mg/dl

Ser Cholestrol-152 mg/dl. ECG-11-2-06 normal CXR-Normal (-1911-1 0/2/06)

B Urea -17 mg/dl, Sr. Creatinine -0.5 mg/dl, St Bil-1911-10/2/06 mg/dl

AST-EVERYTHING
TG-130 mg, HDLC-40 mg LDLC-86mg/

SUMMARY: A case of Primary Hypertension and Obesity without any target organ

RECOMMENDATION: Release from service in P2 permanent

ADV: To reduce weight steadily by dieting & exercise

Diet low in saturated fats

Tab Amlodipine 5 mg OD
Tab Natrilisx SR 1.5 mg OD



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Monthly review by physician

In the view of the above the individual
In brought before the medical board”

20. Thus, even the specialist who has examined the petitioner has only noticed that the petitioner was suffering from obesity and primary hypertension but has not come to any conclusion that the latter was on account of the former or that there was any causal connection between the two.

21. It is well known that every obese person does not suffer from hypertension, and every person who suffers from hypertension is not necessarily obese.

22. The impugned order passed by the Tribunal, therefore, is *ex facie* contrary to the law laid down in this regard. The Tribunal, in our respectful opinion, was not justified in drawing, of itself, a causal connection between the hypertension and the obesity form which the petitioner was suffering, where no such causal connect is noticed either in the opinion of the RMB or even in the opinion of the specialist who had examined the petitioner.

23. Applying the law laid down in ***Dharamvir Singh, Bijender Singh***, and ***Gawas Anil Madso***, the petitioner would be entitled to disability pension as sought by her.

24. Accordingly, the OA 1843/2018 filed by the petitioner is entitled to succeed. The impugned order dated 13 April 2023 passed by the AFT in OA 1843/2018 is therefore quashed and set aside.



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25. The OA 1843/2018 filed by the petitioner is allowed.
26. The respondents are directed to release disability pension to the petitioner as claimed by her, reckoned from the date of her release from the military service, along with arrears within a period of twelve weeks from today. Failure to do so would entail interest thereon @ 9% per annum till the date of payment. The petitioner shall be entitled to arrears w.e.f. three years prior to the date when the OA was filed.
27. The petitioner would also be entitled to rounding off of the disability pension to 50% in accordance with the law laid down by the Supreme Court in *Union of India v Ram Avtar*⁷. The benefit of rounding off would be available from the date of the decision in *Ram Avtar*.
28. The petition stands allowed accordingly with no orders as to costs.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

SEPTEMBER 26, 2025

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⁷ 2014 SCC OnLine SC 1761