



2025:DHC:2891-DB



\$~1(Spl. Bench)

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

Date of decision: 24.04.2025

+ W.P.(C) 9540/2024 & CM APPL. 39098/2024

UNION OF INDIA AND ORS.Petitioners

Through: Mr. Amit Kumar Tiwari,
CGSC, Mr.Chetanya Puri, Adv.

versus

COL. RANDHEIR SINGH (RETD.)Respondent

Through: Mr.K.R. Verma, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the Order dated 18.09.2023 passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'learned Tribunal') in OA 2125/2019, titled *Col.(TS) Randheir Singh v. Union of India & Ors.*, allowing the said OA filed by the respondent herein by holding that the respondent is entitled to disability element of pension at the rate of 40% rounded off to 50% with effect from the date of his discharge, and further directing the petitioners herein to calculate, sanction and issue the necessary Pension Payment Order to the respondent within a period of three months from the date of the receipt of the copy of the said order, failing which the petitioners were directed to pay an interest at the rate of 6% p.a. from the date of the



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receipt of the copy of the order by the petitioners.

2. The learned counsel for the petitioners submits that the learned Tribunal has erred in disregarding the report of the Release Medical Board which had clearly opined that the disability of “Primary Hypertension-(ICD I-10)” suffered by the respondent was not attributable to or aggravated by service condition. The findings of Release Medical Board are also supported with the remark that the onset of the disease was in a peace area and therefore, as per the Para 43 of Chapter VI of the Guide to Medical Officers (Military Pension), Rules 2008, the respondent was not entitled to disability pension.

3. The learned counsel for the petitioners further submits that since 01.04.2006 the respondent has been posted only in a peace area and this fact has rightly been considered by the Release Medical Board to opine that the disability suffered by the respondent could not be said to be attributable to or aggravated by service condition.

4. On the other hand, the learned counsel for the respondent submits that the disability of primary hypertension, as far as the respondent is concerned, from the time of its onset has always been, opined to be aggravated by service condition. In support of his plea, he draws our attention to Re-Categorization Medical Board Proceedings dated 10.12.2011 as also the Re-Classification Medical Board Proceedings dated 19.07.2017. He also placed reliance on the various orders of the Supreme Court, including in *Union of India & Ors. v. JC-664792K Subedar Ramesh Tiwari* (Order dated 23.01.2025 passed in Civil Appeal No(s).4239/2023.

5. We have considered the submissions made by the learned



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counsel for the parties.

6. Though ordinarily the report of the Release Medical Board which consists of expert, should not be lightly interfered with, in the present case, right from the year 2011, when the onset of the disability of primary hypertension was noticed in the respondent, the Medical experts have opined that this was being aggravated by service condition. The Release Medical Board has simply brushed aside this consistent medical opinion by stating that as the onset of the disability was noticed when the respondent was posted in a peace area, the same cannot be said to be attributable to or aggravated by service condition. We do not find the above to be a sufficient justification for upsetting the consistent finding of the Medical Boards prior thereto.

7. Accordingly, the present petition is dismissed with costs of Rs.15,000/- to be paid by the petitioners to the respondent.

8. The petitioners shall comply with the direction issued by the learned Tribunal within a period of eight weeks from today. The payment of arrears shall be with interest of 6% per annum. The pending application is also dismissed as being infructuous.

NAVIN CHAWLA, J

SHALINDER KAUR, J

APRIL 24, 2025/Arya/VS

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