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

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Date of Decision : 19.02.2026

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W.P.(C) 2386/2026

EX SGT (DR.) OMKAR NATH KATIYAR

.....Petitioner

Through: Mr. Kumar Rajesh Singh and Ms.
Punam Singh, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Viplav Acharya, Ms. Laavanya
Kaushik and Ms. Khyaati Bansal,
Advs.**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)****CM APPL. 11602/2026 (Exemption)**

1. Exemption is allowed, subject to all just exceptions.
2. The application is disposed of.

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3. This petition has been filed with the following prayers:

“(A) Set aside /quash judgment and order dated 26.09.2025 passed by the Ld. Tribunal in OA No.129i 'of 2017 ;

(B) Issue an appropriate writ, order, or direction quashing and setting aside the discharge certificate along with all consequential orders, as passed and/or altered by the respondents, being illegal, arbitrary, and in violation of the provisions of the Air Force Act, particularly Sections 23 and 15(2)(a) and 15(2)(h), which were wrongly invoked to remove the petitioner from service;

(C) Issue an appropriate writ, order, or direction directing the



respondents to pay the petitioner salary and all consequential benefits for the remaining service period of four (4) years and eight (8) months, and re-conduct the Release Medical Board (RMB) strictly in accordance with the applicable rules and GMO guidelines.”

4. The petitioner is challenging the order dated 26.09.2025 of the Armed Forces Tribunal in OA No. 1291/2017 filed by the petitioner, wherein the Tribunal in paragraph 12 onwards has stated as under:

“12. We note that the applicant has restricted his prayer for the grant of disability pension with respect to third disability only i.e. Renal Hypertension assessed @20% which is fulfilling the first condition of the twin conditions laid down in Para 153 of the Pension Regulations for the Air Force, 1961.

13. Thus, the only question left to be adjudicated by us is whether the aforesaid disability is attributable to or aggravated by military service or not?

14. From the perusal of records, we find that the applicant was diagnosed with the aforesaid disabilities in the year 1988, i.e. merely within two years after joining the service, though the applicant went on to serve till he was ultimately released at his own request on compassionate ground on 30.04.2002.

15. On the question of attributability, we find it pertinent to refer to opinion of the Release Medical Board placed at Page 3 of the RMB wherein it has been specified to the effect: “Disab no. 3 - The disability is secondary in nature and has not been exposed to any such condition which has aggravated. Thereby, hence, the disability is not connected and not attributable to service.”

16. It is clear from the aforesaid opinion of the RMB that the aforesaid disability was only secondary in nature as damaged kidney cannot properly regulate the blood flow, resulting in hypertension. It thus arose as a consequence to first two disabilities namely Horse Shoe Kidney and Renal Tuberculosis, having no independent cause as such.

17. The Research Paper titled – “Tuberculosis and hypertension a systematic review of the literature”, (a



systematic review of the literature, Seegert, Anneline Borchsenius et al. International Journal of Infectious Diseases, Volume 56, 54-61) reproduced as under:

“Renal TB is a common form of extrapulmonary TB, and because of its non-specific clinical presentation the diagnosis is easily missed. Many of the case reports mentioned in this review described the regression of hypertension after either removal of a tuberculous kidney or pharmacological treatment of renal TB, suggesting that renal TB could be causing renal hypertension in these patients.”

(emphasis supplied)

reveals that the third disability of the applicant i.e. Renal Hypertension is nothing but a consequence of first and second disability, specifically, arising as a consequence of Nephrectomy, wherein the kidney of the applicant was removed, which is supported by the paper referred to herein as above.

18. We further note that the disability of ‘Horse Shoe Kidney’ is congenital in origin and in the instant case had been corrected through surgical intervention i.e. Nephrectomy, wherein the RMB has observed that there was no close temporal association of this condition with service in High Altitude Area (HAA), Field, or Counter-Insurgency (CI) Operations.

19. Thus, it can be safely concluded that with no evidence of any trauma or aggravating factor, supported by the fact that the disability has arisen within two years of the enrollment, as has been admitted by the applicant himself, it is highly probable that the condition may have pre existed prior to enrollment and had not been detected during the recruitment medical examination, as the applicant had not disclosed any prior medical history.

20. Accordingly, the Release Medical Board concluded that this disability could not be considered either attributable to or aggravated by military service, as it lacked any causal connection to the applicant's brief tenure of one to two years in active service. Therefore, there is no ground to dispute the



opinion of the medical board in such a case, where there is nothing concrete and substantial on record to show that the disability has any casual connection to the conditions of service.

21. We are conscious of the fact that the applicant's disability could not have been detected at the time of his initial medical examination by the Medical Board, as the medical examination at the time of enrollment is not exhaustive in nature. Detection of such ailments ordinarily requires a combination' of medical history, detailed physical examination, and advanced imaging studies, which has been substantially resonated in the observations of this tribunal in OA 490/2022 titled as Ex AC (U/T) Harishankar Vs, Union of India & Ors, wherein this Tribunal has observed as under:-

“There is not an iota of doubt that the provisions for disability pension and invalid pension under the Pension Regulations are beneficial provisions for the service personnel of the armed forces, yet the same cannot be used as a tool to claim the benefits which do not accrue to the claimants without them rendering service enough to have casual connection to the disabilities arising out of service. It is important to observe that the primary medical examination conducted at the time of enrollment is not a rigorous medical examination procedure as followed during the Cat/Re- Cat Medical Boards or for that matter RMB/IMB, and that any disability which can escape the initial medical examination cannot be used as a tool to claim disability/invalid pension even without rendering adequate service to showcase attributability or aggravation and therefore, cannot be held as qualified for disability or invalid pension.”

(emphasis supplied)

22. In view of the aforesaid detailed analysis, including the medical literature on the subject, we are of the considered opinion that none of causes linked to the disability of the applicant, show any causal connection with the military



service, and thus, the OA is devoid of merit.

23. Consequently, the OA 1291 /2017 is dismissed.

24. No order as to costs.

25. Pending miscellaneous application(s), if any, stands disposed of.”

5. There is no dispute that the petitioner has confined his prayer before the Tribunal to grant of disability pension in respect of the disability i.e. Renal Hypertension assessed at 20%.

6. The question arose before the Tribunal as to whether the said disability is attributable and aggravated because of military service. The Release Medical Board has held the disability is secondary in nature and that the petitioner has not been exposed to any condition which is attributable to military service.

7. The Tribunal found on the basis of literature that Horseshoe Kidney which the petitioner suffered from, is congenital in origin, which was corrected through surgical interventions, and there is no causal connection between the disability and his work.

8. We are of the view that given the finding of the Tribunal, which is based on the conclusion drawn by the Review Medical Board, the impugned order does not call for any interference. As such the same is liable to be dismissed. We order accordingly.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 19, 2026

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