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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision : 29.01.2026*

+ W.P.(C) 19340/2025, CM APPL. 80717/2025

UNION OF INDIA AND ORS .....Petitioners

Through: Ms. Aishwarya Chhabra, SPC and  
Major Anish Muralidhar, Army

versus

EX SUB BIJENDRA SINGH SIROHI .....Respondent

Through: Mr. V. S. Kadian, Adv.

**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)****CM APPL. 80718/2025 (for exemption)**

1. Allowed, subject to just exceptions.
2. The application is disposed of.

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3. This writ petition has been filed challenging the order dated 08.02.2024 passed by the Armed Forces Tribunal, Principal Bench, New Delhi ("Tribunal") in Original Application No. 575/2016 ('OA' for short) wherein the Tribunal has allowed the OA filed by the respondent herein by stating in paragraphs 10 and 11 as under:-

*"10. In view of the aforesaid judicial pronouncements and the parameters referred to above, the applicant is entitled for disability element of pension in respect of disability 'Essential Hypertension'. Accordingly, we allow this application holding that the applicant is*



*entitled to disability element of pension @ 20% rounded off to 50% for life with effect from the date of his discharge in terms of the judicial pronouncement of the Hon'ble Supreme Court in the case of Union of India vs. Ram Avtar (Civil Appeal No. 418/2022), decided on 10.12.2014.*

*11. The respondents are thus directed to calculate, sanction and issue the necessary PPO to the applicant within a period of three months from the date of receipt of copy of this order. The amount of arrears however are directed to commence to run from a period of three years prior to the institution of the present OA, in terms of the verdict of the Hon'ble Supreme Court in Union of India & Ors vs Tarsem singh reported in 2008 8 SCC 648 which shall be paid by the respondents, failing which the applicant will be entitled for interest @ 6% p.a. from the date of receipt of copy of the order by the respondents.”*

4. At the outset, we may state that the learned counsel for the petitioners has filed the proceedings of the Review Medical Board ('RMB') consisting of pages 2 to 16, which we take on record. The submission made by the learned counsel for the petitioners is by drawing our attention to the proceedings of the RMB to contend that when the RMB has held that the respondent's disability of hypertension was assessed at 20% for two years, the Tribunal could not have held the said disability should be considered for life.

5. His submission is also that the Tribunal has broadbanded the disability to 50% but from the date of discharge, which is untenable as according to the instructions issued by the petitioners in the year 2001, they were effective from 01.01.1996 and not for the period before that.

6. Insofar as his first submission is concerned, the disability being



hypertension, the same is not a disease of temporary nature, in other words, it is for life. As such the Tribunal is justified in saying so. Though a submission has been made that the Tribunal should have remanded the matter to the Review Medical Board for a fresh consideration, we are of the view, the same was rightly not done as it was quite late in the day to remand the matter to the RMB. Moreover, hypertension is such a disease which once contracted/developed shall continue to remain for life, to be controlled through medicines.

7. Insofar as the second submission of the learned counsel for the petitioners is concerned, Mr. Kadiyan states that the respondent shall only be claiming the benefits of disability element of pension w.e.f. 01.01.1996 and not from the period of discharge.

8. We by taking on record the submission made by Mr. Kadiyan, on instructions, from the respondent and making it clear that the order of the Tribunal to the extent that the respondent shall be entitled to disability element of pension from 01.01.1996 and not from the date of discharge, dismiss the petition along with pending application.

**V. KAMESWAR RAO, J**

**MANMEET PRITAM SINGH ARORA, J**

**JANUARY 29, 2026/sr**