

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP (C) No. 2013/2024

Uploaded on: 16.10.2025

- 1. Union of India through its Secretary to Government of India, Ministry of Defence, South Block, New Delhi-110011.**
 - 2. Additional Director General Personnel Services, Adjutant General's Branch, Integrated HQ of Ministry of Defence (Army), DHQ PO, New Delhi-110001.**
 - 3. Principal Controller of Defence Accounts (Pensions), Draupadi Ghat, Allahabad, Uttar Pradesh-211014**
 - 4. OIC Records, DSC Records, PIN-901277, C/o 56 APO.**
- Applicant(s)/Petitioner(s)**

**Through :- Mr. Vishal Sharma, DSGI with
Mr. Eishaan Dadhichi, CGSC**

v/s

**Smt. Anita Devi W/o No. 9099794K Ex.
Sepoy (Late) Mangal Singh, R/o Village:
Chhattake Chak, Post Office: Ram Garh,
Tehsil & District: Samba, PIN-181141.**

.....Respondent(s)

Through :- P.L. Sharma, Advocate

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER(ORAL)

15.10.2025

Sanjeev Kumar 'J'

1. Impugned in this petition, filed by the Union of India and others under Article 226 of the Constitution of India is an order and judgment dated 24.07.2023, passed by the Armed Forces Tribunal, Srinagar Bench at

Jammu [**“the Tribunal”**] in OA No. 199/2022 titled “Smt. Anita Devi vs. Union of India and Others”, whereby the Tribunal has allowed the OA and directed the petitioners herein to grant lifetime arrears of the disability pension to the petitioner which her late husband was entitled to. The respondent herein has been held entitled to family pension w.e.f. 12.03.2022. The impugned judgment is assailed by the petitioners, primarily, on the ground that the AFT has not taken note of the fact that the disability incurred by the respondent in his second service with the Army was neither attributable to nor aggravated by army service, but was due to his alcoholic dependency.

2. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgment passed by the Tribunal is well-considered and does not call for any interference by us in these proceedings under Article 226 of the Constitution of India.
3. Indisputably, at the time of his enrolment in the Indian Army, the deceased husband of the respondent was in Shape 1. He developed a heart disease while he was in service of Defence Security Corps. He was brought to the Release Medical Board and was found suffering from disability to the extent of 20%. However, as per the opinion of the Release Medical Board, the disability **HYPERTROPIC CADIOPATHY** was due to alcoholic dependency of the deceased husband of the respondent and, therefore, neither attributable to nor aggravated by military service.
4. We have gone through the medical record to find out reasons for holding the disability suffered by the deceased husband of the respondent neither attributable to nor aggravated by military service, other than saying that

the disease/disability suffered by the deceased husband of the respondent was due to alcoholic dependence, nothing more is said. The disease Hypertrophic Cardiopathy is a heart disease caused by changes of genes. It thickens the heart muscle resulting in serious health complications. We could not find any reliable material on record which would suggest that the disease Hypertrophic Cardiopathy can only happen due to alcoholic dependence. The medical opinion only refers to the deceased husband of the respondent as an alcohol consumer and attributes it as a sole reason to the contracting of disease in question. Not only the opinion of the Board is without any reason and medical evidence, but the same is too cryptic to be accepted. The Tribunal has taken a right call in the matter and has held the respondent entitled to pension.

5. For the foregoing reasons we find no merit in this petition and the same is, accordingly, dismissed.



(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
15.10.2025
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