

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 2551/2025

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| 1. Union of India through its Secretary to Govt. of India, Ministry of Defence, South Block, New Delhi-110011. | Applicant(s)/Petitioner(s) |
| 2. Principal Controller of Defence Accounts (Pensions), Prayagraj. | |
| 3. The Chief of the Army Staff. | |
| 4. OIC Records, Artillery Records, Nasik Maharashtra. | |

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

v/s

No. 1254239W Ex. Hav. Ranjit Singh, aged about 77 years, S/o Late Sh. Bela Singh, R/o Village Mishriwala, Jammu. At present Village Qazi Dokrian, Tehsil and District Jammu (UT of J&K).	Respondent(s)
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Through :-

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

ORDER
16.09.2025

- Impugned in this petition filed by the Union of India under Article 226 of the Constitution of India is an order and judgment dated 14.02.2023, passed by the Armed Forces Tribunal, Regional Bench Srinagar at Jammu (“**the Tribunal**”), in O.A. No. 56/2022, titled “Ex. Hav. Ranjit Singh v. Union of India and others”, whereby, the Tribunal has allowed the O.A. of the respondent and has directed the petitioners herein to grant the disability element of disability pension by taking the disability at 20% for life, rounding off to 50% for life. The Tribunal has restricted the arrears to three years preceding the date of filing of the O.A.

2. Having heard learned DSGI appearing for the petitioners and perused the judgment, we are of the considered opinion that the case of the respondent, as projected before the Tribunal, was squarely covered by the judgment of **Sukhvinder Singh v. Union of India and others, (2014) 14 SCC 364**. It is not in dispute that the respondent was discharged on the opinion of the Release Medical Board on account of invalidation in a low medical category. It is trite law that when a person has been recruited in a fit medical category and is not found to be suffering from any disablement at the time of his recruitment, any disablement suffered by him during the course of his Army service is presumed to be attributable or aggravated by the Army service.
3. In the instant case, the respondent developed the disability on account of disease known as Osteoarthritis (Right Knee) [715 V67] after more than sixteen years of his service, and therefore, it cannot be said by any stretch of reasoning that the disability incurred by the respondent is neither attributable nor aggravated by the Army service.
4. On this aspect, we fully concur with the view taken by the Tribunal. It also needs no reiteration that since the respondent was invalidated out of service because of the disability incurred during service, his disability is required to be taken at 20% permanent.
5. For all these reasons, we do not see any good reason to interfere with the judgment passed by the Tribunal. This petition is devoid of any merit and is, accordingly, **dismissed**.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
16.09.2025
Vishal Khajuria

Whether the order is speaking:

Yes/No

Whether the order is reportable:

Yes/No