

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

WP(C) No. 790/2024

Date of pronouncement: 11.02.2026.

Date of uploading: 13.02.2026.

Union of India and others

.....Petitioner/Appellant(s)

Through: Mr. Suneel Malhotra, GA

vs

Kusum Samyal and others

..... Respondent(s)

Through: Mr. Dalwinder Kumar, Advocate vice
Mr. Anil Sethi, Advocate

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

ORDER

11.02.2026

1. Impugned in this petition, filed by the Union of India under Article 226 of the Constitution of India, is an order and judgment dated 14.03.2023 passed by the Armed Forces Tribunal, Regional Bench, Srinagar at Jammu [**“the AFT”**] in TA No. 279/2017 titled **“Kusum Samyal and others vs. Union of India and others”**, whereby the AFT has allowed the TA of the respondents and held the deceased husband of the respondent No. 1 entitled to disability element of pension @ 20% rounded off to 50%, for life, w.ef., 01.05.2002 till his death i.e., 14.07.2018.
2. Briefly stated, the facts leading to the filing of this petition are that, the husband of respondent No. 1, namely, Satpal Singh Samyal, was enrolled in the army on 13.03.1971 and was discharged on 30.04.2002

as Lieutennt Colonel (T.S). The Release Medical Board found the husband of the respondent No. 1 suffering from disability i.e., NIDDM and neurotic depression for life and three years respectively and assessed the disabilities @20% each. The total composite disablement was assessed at 40%.

3. The husband of the respondent No. 1 filed a representation to the petitioners, claiming disability pension, on the ground that he had rendered service of 31 years to the Army and was discharged on superannuation with disability. The claim was rejected by the petitioners vide letter dated 06.04.2002 on the ground that the disability, as was opined, by the Release Medical Board, was neither attributable to nor aggravated by Military service. It is further claimed that the husband of the respondent No. 1 kept on making representations before the Appellate authorities as well.
4. Having found no response from the petitioners, husband of the respondent no. 1 and father of respondent Nos. 2 & 3 filed SWP No. 634/2016, which was transferred to the AFT and was registered as TA No. 279/2017. It may be taken note of that during the pendency, the original petitioner, namely, Satpal Singh Samyal passed away and was substituted by his wife and two sons.
5. The petition was contested by the petitioners herein on the ground that the disability of late Satpal Singh Samyal i.e., neurotic depression and NIDDM was neither attributable to nor aggravated by Military Service and, therefore, he was rightly not held entitled to disability pension.

6. The AFT after having considered the rival contentions, in light of the law laid down by the Supreme Court in the case of “***Dharamvir Singh Vs. Union of India & Others***, reported in (2013) 7 SCC 316, came to the conclusion that the disability suffered by Late Satpal Singh Samyal was attributable to and aggravated by Military services and, therefore, he was entitled to disability pension. It is in these circumstances, the AFT allowed the TA and granted the reliefs which we have already noticed hereinabove.
7. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that both the disabilities i.e., NIDDM, which was suffered by the husband of respondent No. 1 in the year 1995, and neurotic depression, which were assessed by the Release Medical Board, were, strictly speaking, not attributable to Military service, yet these are definitely aggravated by the said service.
8. The disability NIDDM is assessed @ 20% for life and once it is conceded that the said disability is aggravated by Military service, Late Satpal Singh Samyal becomes entitled to disability element of pension. The medical opinion available on record clearly shows that the disability NIDDM (old) was suffered by late husband of respondent No.1, namely, Satpal Singh Samyal due to dietic compulsion and stress and strain of the Military service. Once the medical authority has given a categorical opinion that stress and strain of service was the reason for onset of the disease of NIDDM (old), there could be no second opinion

that such disability is aggravated by the Military service, which admittedly carries the stress and strain.

9. That apart, we have also considered this issue in the case of ***“Union of India Vs. Nirman Singh Jamwal”***, WP(C) No. 3173/2023 and clubbed matters, which was decided by this Court on 13.11.2025. We, therefore, do not find any illegality or infirmity in the judgment impugned insofar as it holds late Satpal Singh Samyal entitled to disability pension w.e.f., 01.05.2002 till his death, yet, we provide that the arrears on account of the disability pension shall be restricted to 3 years preceding the date of filing of the writ petition SWP No. 643/2016.
10. We, however, do not uphold the direction of the AFT to provide the disability pension to the legal heirs of the deceased army personnel Satpal Singh Samyal. The family of the late Satpal would only be entitled to a Special Family Pension in terms of Regulation 213 of the Pension Regulations for the Army 1961 (Part-1).
11. In view of the aforesaid, this petition is ***disposed of*** by providing as under:
 - (i) That the husband of respondent no.1 Lt. Col. Satpal Singh Samyal is though held entitled to disability element of pension w.e.f from 01.05.2002 till his death, yet we restrict the arrears on account of such pension to a period of 3 years preceding the filing of SWP No. 643/2016.
 - (ii) That the disability pension to be given to late Satpal Singh Samyal shall be @ 20% rounded off to 50%.

- (iii) That the respondent No. 1 and other legal heirs of the deceased Lt. Col. Satpal Singh Samyal would, however, be entitled to Special Family Pension in terms of Regulation 213 of the Pension Regulation of Army 1961 (Part-1) w.e.f the date of the death of the husband of respondent No. 1 i.e., 14.07.2018 onwards.
- (iv) The arrears payable to the respondents on account of disability pension, which was payable to late Satpal Singh Samyal, shall also carry interest @ 6 % per annum.

12. With the aforesaid observations and directions, the judgment impugned stands modified and the writ petition *disposed* of, accordingly.

Jammu
11.02.2026.
Rahul Sharma

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

Whether the order is speaking: Yes/No

Whether the order is reportable: Yes/No