

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

WP (C) No. 907/2025

Date of pronouncement: 10.02.2026

Date of uploading: 11.02.2026

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 (Pension), Draupadi Ghat, Allahabad, ...Applicant(s)/Petitioner(s)
Uttar Pradesh-211014.

Through :- Mr. Vikas Sharma, Sr. Panel Counsel

v/s
No. 33955268F Ex. Hav. Surjit Singh S/o Respondent(s)
Sh. Tara Chand, R/o Village Camp
Rathana, P/o Rathana, Tehsil R.S. Pura,
District Jammu.

Through :- Mr. Rajnish Raina, Sr. Advocate with
Mr. Prabhat Sangotra, Advocate
Mr. P L Sharma, Advocate

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

ORDER (ORAL)

10.02.2026

1. The short question that is raised by the petitioners for determination in this petition is that despite the fact that disability "OBSESSIVE COMPULSIVE DISORDER (PREDOMINATELY OBSESSIVE RUMINATION)" is certified by the Release Medical Board (RMB) as neither attributable to nor aggravated by military service, the Tribunal has allowed the OA and granted disability element of pension in favour of the respondent.

2. Mr. Vikas Sharma, learned Senior Panel Counsel appearing for the petitioners would submit that the reliance placed by the AFT on the judgment of “*Dharamvir Singh vs. Union of India and Others*”, (2013) 7 SCC 316 is totally misplaced, in that, in the aforesaid case the Hon’ble Supreme Court was considering the Pension Regulations for Army, 1961, (Part-I) whereas the instant case is covered by Pension Regulations for Army, 2008 (Part-I).
3. It is vehemently argued by Mr. Vikas Sharma, learned CGSC that the medical opinion which has considered the disability suffered by the respondent as neither attributable to nor aggravated by Army service should be accepted being the opinion of the expert.
4. Having heard learned counsel for the petitioners and perused the material on record including the judgment impugned, we are of the considered opinion that the issues raised by Mr. Vikas Sharma, learned CGSC before us are no longer *res integra*. These issues along with various other issues have been elaborately discussed and determined by us in our judgment rendered in WP (C) No. 3173/2023 titled “*Union of India and Others vs. Nirman Singh Jamwal*” and clubbed matters in terms of judgment dated 04.11.2025. What was held by the Division Bench in the aforesaid judgment is set out at page 59 of the judgment from sub para (i) to (xiv).
5. In view of the clear dictum of law laid down by this Court in the aforesaid matter, the issues raised by Mr. Vikas Sharma, learned CGSC are not required to be adjudicated upon once again. Even if we were to accept the contentions of Mr. Vikas Sharma, learned

CGSC that the onset of the disability “OBSESSIVE COMPULSIVE DISORDER (PREDOMINATELY OBSESSIVE RUMINATION)” is not attributable to Army service, yet it cannot be said that such disorder does not get aggravated by the military service.

6. As a matter of fact, the opinion of the Release Medical Board clearly suggests that the disability suffered by the respondent is one that can get aggravated by the stress and strains of the military service.
7. The similar issue has been dealt with specifically in WP (C) No. 301/2024 which was disposed of by this Court along with “*Union of India and Others vs. Nirman Singh Jamwal*” (supra), where the disease “MODERATE DEPRESSIVE EPISODE” has been held aggravated by military service. Even the disease “PRIMARY HYPERTENSION” has also been held aggravated by military service.
8. Viewed thus, we do not find any legality or infirmity in the judgment passed by the Tribunal.
9. For all these reasons, we find no merit in this petition and the same is, accordingly, dismissed.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
10.02.2026
Manik

Whether this order is reportable: Yes/No
Whether this order is speaking: Yes/No