

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

WP (C) No. 1057/2025

Pronounced on: 10.02.2026
Uploaded on : 12.02.2026

**Amrik Singh, Aged 41 years,
No. 4575602-W, Ex-Sepoy, (ACP-I),
S/o Sh. Jamit Singh,
R/o Village Chak Koor Singh,
PO Sujwan, Tehsil & District Samba.**

.....Petitioner(s)

Through :- **Mr. Shabir Hussain, Advocate**
Mr. Manoj Sharma, Advocate

v/s

**1. Union of India through
its Secretary,
Ministry of Defence, New Delhi.**

.....Respondent(s)

**2. Chief of Army Staff,
Integrated Headquarters of Ministry of Defence (Army),
Adjutant General's Branch,
Additional Directorate General, Personnel Services DHQ,
PO New Delhi.**

**3. Principal Controller Defence Accounts (Pensions),
Grant Section, Allahabad.**

**4. Record Officer,
Mahar Regiment Saugar-470001.**

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

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

ORDER (ORAL)
10.02.2026

1. Impugned in this petition, filed by the petitioner under Article 226 of the Constitution of India, is an order and judgment dated 11.07.2023 passed by the Armed Forces Tribunal, Regional Bench, Srinagar at Jammu [**“the Tribunal”**] in OA No. 125 of 2023 titled

“Amrik Singh Vs. Union of India & Ors.”, whereby the Tribunal has dismissed the OA of the petitioner on the basis of some opinion rendered by Reassessment Medical Board.

2. The impugned judgment is assailed by the petitioner on multiple grounds, however, before we advert to the grounds of challenge, we deem it appropriate to take note of few facts as are germane to the disposal of this writ petition.
3. The petitioner was enrolled in the Army on 01.03.2002 and discharged from service on 28.02.2019 under Army Rules 13 (3) III (i) on completion of his term of engagement. He was thus granted service pension w.e.f 01.03.2019. At the time of his discharge, the Release Medical Board was held at 167 Military Hospital on 30.10.2018 and was found suffering from the disability “Other Non Organic Psychosis [“F-28”]” which was considered neither attributable to nor aggravated by the Military service. Although, the disability suffered by the petitioner was assessed at 40% for life but the same was taken as NIL for life for the purpose of disability pension. It is on the basis of this opinion rendered by the Release Medical Board, the petitioner was held not entitled to disability element of disability pension.
4. Feeling aggrieved, the petitioner filed first and second appeal before the competent authorities but faced rejection in both the appeals. Constrained, the petitioner filed OA No. 16 of 2021 before the Tribunal and prayed for grant of disability element to him on the ground that disability of 40% suffered by him was both attributable

to and aggravated by the Military service. The OA (supra) was disposed of by the Tribunal vide its order dated 10.02.2022 with the direction to the respondents to hold Re-Survey Medical Board [“RSMB”] of the petitioner and take a decision with regard to the disability pension as per the decision rendered by such board.

5. In compliance with the order dated 10.02.2022 passed by the Tribunal, the Re-Assessment Board was convened on 18.08.2022, which found the disability of the petitioner viz. “Other Non Organic Psychosis [“F-28”] at 40% for life but did not render any opinion as to whether it was attributable to or aggravated by Military service. However, on the basis of this inconclusive opinion, the respondents rejected the claim of the petitioner for grant of disability element of disability pension vide order dated 15.02.2023. It is this order, which was called in question, by the petitioner before the Tribunal by way of OA No. 125 of 2023.

6. The Tribunal took note of the opinion of the Reassessment Medical Board and came to the conclusion that even the Reassessment Medical Board had not found the disability attributable to or aggravated by Military service and, therefore, rejection of his claim by the respondents for grant of disability element of disability pension was justified. Consequently, vide an order and judgment impugned, the OA was dismissed.

7. Before us, it is argued by learned counsel for the petitioner that the Tribunal has not carefully gone through the opinion of the Reassessment Medical Board which has, though, confirmed the

assessment of disability at 40% for life but has rendered no opinion on its attributability to and aggravation by Military service. It is further argued that having regard to the nature of disease which subjected the petitioner to disability to the extent of 40% for life, the aggravation by Military service cannot be ruled out.

8. Having considered the rival contention of the parties and perused the material available on record, in particular, the report of Reassessment Medical Board, we find that the Reassessment Medical Board which re-examined the petitioner, pursuant to the directions of the Tribunal, has not rendered its opinion on the attributability to or aggravation of the disability by Military service. That apart, the disease “Other Non Organic Psychosis [“F-28”] by its nature is such, as would, definitely get aggravated by the stress and strains of Military service. This issue, particularly, the disability occurring due to mental disorder, psychosis, anxiety and hypertension has already been considered by this Court to be aggravated by Military service. Detailed discussion on the issue has been made in the judgment dated 03.11.2025 passed in WP (C) No. 3173/2023 titled “*Union of India & Ors. Vs. Nirman Singh Jamwal*”. This case is thus squarely covered by our judgment rendered in **Nirman Singh’s case** and does not call for any fresh debate.

9. For the foregoing reasons, **we find merit in this petition and the same, is accordingly, allowed. The judgment dated 11.07.2023 passed by the Tribunal in OA No. 125 of 2023 is set aside and**

the petitioner is held entitled to the disability element of disability pension from the date it has been denied to him along with all consequential benefits.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
10.02.2026
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Whether the order is speaking : *Yes/No*
Whether the order is reportable : *Yes/No*

