

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

WP (C) No. 2001/2025

Pronounced on : 17.02.2026

Uploaded on : 18.02.2026

1. **Union of India through Secretary** Petitioner(s)
Ministry of Defence, South Block, New Delhi.
2. **Additional DTE General of Personal Service 4 (D),**
AGI Branch Army Headquarter DHQ,
PO New Delhi-110011.
3. **OIC Records Artillery Nasik Road Camp**
C/o 56 APO.
4. **Officer Incharge, office of the PCDA (Pension)**
Draupadi Ghat, Allahabad (UP)-211014.

Through :- Mr. Prem Sadotra, CGSC

v/s

Ex Hav Vijay Singh, Aged 46 years, No. 15111553X Respondent(s)
S/o Kirpal Singh,
R/o Gurha Salathia, Tehsil & District Samba.

Through :- Mr. Amit Singh, Advocate

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

ORDER (ORAL)

17.02.2026

1. The order and judgment dated 23.05.2023, passed by the Armed Forces Tribunal, Regional Bench, Srinagar at Jammu [**“the Tribunal”**] in TA No. 138 of 2017 (SWP No. 685 of 2014), titled *“L/Hav. 15111553X Vijay Singh Vs. Union of India & Ors.”*, is a subject matter of challenge in this petition, filed by the Union of India under Article 226 of the Constitution of India, whereby the Tribunal has allowed the petition of the respondent and has held him entitled to disability element @ 20% for life, to be rounded off

to 50% for life. The arrears to be paid to the respondent have been restricted to three years preceding the date of filing of the TA.

2. The judgment impugned is challenged by the petitioners on the following two counts:

- i. That the disability NIDDM E-11 (Type 2 Diabetes Mellitus) is neither attributable to nor aggravated by the Military service;
- ii. That the disability suffered by the respondent was only to the extent of 15% and, therefore, he was not entitled to disability element as envisaged under Regulation 179 of Pension Regulations for the Army 1961 (Part-I).

3. Having heard learned counsel for the parties at length and perused the material available on record, we are of the considered opinion that both the issues raised by the Union of India in this petition are covered by our judgment titled "*Union of India & Ors. Vs. Nirman Singh Jamwal*" passed in WP (C) No. 3173/2023.

4. The question as to whether NIDDM E-11 (Type 2 Diabetes Mellitus) is a disease attributed to or aggravated by the Military service has been specifically dealt with in WP (C) No. 439/2024, whereas the issue as to whether a person who is invalided from service on account of disability can be denied the disability element on the ground that he was not suffering from a disability to the extent of minimum of 20%, has been dealt with in WP (C) No. 2613/2024. Relying upon the judgment of Sukhvinder Singh [2014 SCC 364], this Court has taken a view that a person who is invalided out of service on account of disability/in low medical

category, he shall be deemed to have disability to the extent of minimum of 20% and, therefore, entitled the disability element.

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

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
17.02.2026
Manan

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

