

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

WP (C) No. 2186/2024

Date of pronouncement: 18.02.2026.

Date of uploading: 20.02.2026.

**L/Nk Satvir Singh (No. 14431619M), Age 41
years, S/o Shri Girdhari Singh, aged 30
years, R/o Village Bachyal, Post Office
Paryal, Tehsil and District Jammu, J & K
Pin-181206.**

.....Applicant(s)/Petitioner(s)

Through :- Mr. Ajay Gupta, Advocate

v/s

- 1. Union of India through Secretary to
Govt. of India, Ministry of Defence,
South Block, New Delhi- 110011.**
- 2. The Chief of the Army Staff, Integrated
Headquarters of Ministry of Defence
(Army), South Block, New Delhi-110011.**
- 3. The Officer IC Artillery Records, Nasik
Road, Maharashtra.**
- 4. The Commanding Officer, Depot
Regiment, Artillery Centre, Nasik Road,
Maharashtra.**

.....Respondent(s)

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)

1. In this petition, filed by the petitioner under Article 226 of the Constitution of India, a challenge is thrown to an order dated 16.04.2024 passed by the Armed Forces Tribunal, Regional Bench

Srinagar at Jammu [**“the Tribunal”**] in TA No. 200/2016 (arising out of OA No. 4078/2013) titled *“Satvir Singh vs. UOI and Others”* whereby the OA filed by the petitioner has been dismissed.

2. Briefly stated, the facts leading to filing of this petition are that the petitioner was enrolled in the Artillery Regiment of Indian Army on 03.02.2000 and was entitled to remain in service for a period of 17+2, i.e., 19 years or on attaining of 40 years of age, whichever was earlier.
3. During his service, in the year 2010 the petitioner while he was serving with 136 Medium Regiment, came to be downgraded to Low Medical Category S3H1A1P1E1 for diagnosis ‘DEPRESSIVE EPISODE MODERATE’ w.e.f. 30.08.2010. Later in the year 2011, the category of the petitioner was upgraded from ‘S-3’ to ‘S-2’ w.e.f. 12.09.2011 and from ‘S-2’ to ‘S-1’ w.e.f. 27.08.2012.
4. The petitioner again started showing signs of psychiatric disorder and was, therefore, referred to Military Hospital, Deolali on 29.08.2012. The Military Hospital, Deolali, however, referred the petitioner further to Psychiatric Department of INHS Ashvini where he was declared S5H1A1P1 and recommended for invalid Medical Board vide their opinion dated 13.09.2012. This is how he was put before the invalid Medical Board and was held unfit for further Army service in view of his medical condition, i.e., ‘S-5’. Accordingly, a decision was taken to discharge the petitioner on medical grounds.

5. Since the disability of the petitioner had been assessed at 40%, he was also held entitled to invalid pension on his discharge. The petitioner, however, did not accept the invalid pension and made representations for taking him back in Army service. When the request of the petitioner for taking him back in Army service was not acceded to by the respondents, the petitioner filed OA No. 4078/2013 before the Armed Forces Tribunal, Chandigarh Bench which on transfer to the Tribunal was registered as TA No. 200/2016.
6. Before the Tribunal, it was the case of the petitioner that he was entitled to retention in Army service till his superannuation and that he could not have been discharged by attaching stigma to his conduct as soldier in the Army. He relied upon the communications of the Army Officers under whom he had worked to impress upon the Tribunal that the Officers under whom he was working had, without giving him any opportunity of being heard, adjudged him coward and a person feigning illness and avoiding service in operational areas.
7. The petition was contested by the respondents by taking a stand that the discharge of the petitioner from Army service was not owing to any misconduct attributable to him, but was in Low Medical Category. It was pleaded by the respondents that they had the option of dismissing him from service after holding proper enquiry and giving him an adequate opportunity of being heard, but they decided otherwise so that the petitioner is not deprived of the benefit of invalid pension.

8. Having considered the rival contentions, the Tribunal came to the conclusion that the petitioner had failed to make out a case to challenge his discharge from army and, accordingly, dismissed the petition in terms of the judgment impugned before us.
9. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgment impugned passed by the Tribunal rejecting the claim of the petitioner for joining back Army service despite his disability, is legally and factually correct and does not call for any interference.
10. Suffice it to say that, though, there is stigmatic reference to the petitioner in the *inter se* communication of the Army authorities, but the discharge of the petitioner from Army service is because of his placement in Low Medical category, i.e., 'S-5'. We have no reason to doubt the stand of the respondents that they have not dismissed the petitioner from service nor have they shown him the door on account of his conduct, but they have invalided him out of Army service because of disablement.
11. In these circumstances, the Tribunal was right in coming to the conclusion that the petitioner had failed to demonstrate a case for joining back the service despite having been placed in category 'S-5', a medical condition, which renders a person unfit for further Army service.
12. In view of the aforesaid, we find no merit in this petition. However, as it seems, the petitioner has not been paid the invalid pension, which he was admittedly entitled to and this is so because the

petitioner was not willing to accept the pension and was contesting his claim before the Tribunal.

13. This petition is, therefore, disposed of by providing as under: -

- i. The judgment passed by the Tribunal is upheld to the extent aforementioned.
- ii. The petitioner who was invalided out of Army service on account of disability shall be entitled to invalid pension from the date of his discharge. The disability for the purpose of computation of pension, shall be taken as 40% rounded off to 50% for life.
- iii. The petitioner shall be entitled to arrears of his pension, but without any interest.

14. Let the Army authorities process the case of the petitioner for grant of invalid pension as directed above and complete all the requisite formalities within a period of three months from today.

15. With the aforesaid observations, this petition is disposed of.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
18.02.2026
Manik

Whether this order is speaking: Yes/No

Whether this order is reportable: Yes/No