

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 2345/2025
CM No. 5430/2025

Date of pronouncement: 16.09.2026
Date of uploading: 17.09.2026

1. Union of India through its Secretary to Government of India, Ministry of Defence, South Block, New Delhi-110011. Appellant(s)/Petitioner(s)
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 (Pensions), Draupadi Ghat, Allahabad, Uttar Pradesh-211014.
4. OIC Records JAK Rif, c/o 56 APO

Through: Mr. Vikas Sharma, Central Govt. Panel Counsel

vs

No 13766573W Ex Sepoy Mohan Singh, S/o Shri Sansar Singh, R/o House No. 146, Lane No. 4 Indira Vihar, Village and Post Office: Janipur, Tehsil & District: Janipur, Jammu and Kashmir-180007. Respondent(s)

Through: None.

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

ORDER (ORAL)
16.09.2026

Sanjeev Kumar 'J'

1. The matter is though listed for reference to mediation, but having regard to the nature of controversy involved, is taken up for consideration on merits.

2. Impugned in this petition, filed by the Union of India and others under Article 226 of the Constitution of India, is an order and judgment dated 28.04.2022 passed by the Armed Forces Tribunal, Srinagar Bench at Jammu [**“the Tribunal”**] in O.A. No. 134/2021, whereby the tribunal, while allowing OA of the respondent, has held him entitled to disability pension w.e.f 01.04.2018 at 30% for life rounded off to 50% in terms of judgment rendered by the Hon’ble Supreme Court in case titled *“Union of India Vs. Ram Avtar”* bearing Civil Appeal No. 418/2012 decided on 10.12.2014.
3. Briefly stated the facts leading to filing of this petition are that the respondent was commissioned in Indian Army on 18.03.2001 in a fit state of health and was discharged in Low Medical Category on 31.03.2018. At the time of his discharge, the respondent was put before the Release Medical Board which assessed his disability at 30% for life but opined that the disability was neither attributable to nor aggravated by the military service. It is on the basis of this opinion, the respondent was held not entitled to disability pension.
4. Feeling aggrieved, the respondent filed O.A. No. 134 of 2021 before the Tribunal. The Tribunal, having considered the rival contentions and taking note of the case law on the subject, came to the conclusion that the disability suffered by respondent i.e. “BAV-POST-AVR” was essentially a heart disease and was liable to be aggravated by the stress and strain of military service. The contention of the petitioners that disease was neither attributable to nor aggravated by the military service was thus rejected.
5. Having considered the matter in absence of the learned counsel for the respondent, we are of the considered opinion that the judgment passed by

the Tribunal is legally perfect and does not call for any interference. Indisputably, the disability suffered by the respondent is assessed by the medical authority of the petitioners at 30% for life. There is also no dispute that “BAV-POST-AVR” is a heart disease and, therefore, may not be attributable to military service, but definitely gets aggravated by the stress and strain of the military service. High intensity training, regular heavy lifting, demand of physical fitness and stressful schedule of army personnel put substantial hemodynamic stress on the heart.

6. We have already considered this issue at length in “*Union of India and Ors. versus Nirman Singh Jamwal*” in WP(C) No. 3173/2023 along with connected matters and have taken a view that all types of diseases pertaining to heart are such as are exposed to an aggravation by the stress and strain of military service.
7. For the foregoing reasons as also for the reasons given by Tribunal in the impugned judgment, we are not inclined to take any contrary view in this matter. This petition is, thus, devoid of any merit, and is, accordingly, ***dismissed.***

(Shahzad Azeem)
Judge

(Sanjeev Kumar)
Judge

Jammu
16.09.2026
Mihul

Whether the order is reportable?
Whether the order is speaking?

Yes/No
Yes/No