



2024:DHC:9154-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 22.11.2024

+ W.P.(C) 16211/2024

UNION OF INDIA & ORS.

.....Petitioners

Through: Ms. Avshreya Pratap Singh,
Adv.

versus

LT COL VS HOSALLI

.....Respondent

Through: Mr. O. S. Punia, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

CM APPL. 68103/2024

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 16211/2024, CM APPL. 68102/2024

3. This petition has been filed challenging the Order dated 31.07.2023 passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi (in short, 'Tribunal') in Original Application 1497/2019 titled *Lt. Col VS Hosalli (Retd.) vs. Union of India and Ors.*, whereby the learned Tribunal has allowed the Original Application filed by the respondent herein with the following directions:-

"16. In the circumstances of the instant case,



*the applicant is thus held entitled to grant of the disability element of pension. The OA 1497/2019 is allowed in relation to the disability of IHD NORMAL CORONARIES-410 assessed @20% for life, which in terms of the verdict of the Hon'ble Supreme Court of India in Civil Appeal 418/2012 dated 10.12.2014 titled as **UI & Ors. Vs. Ramavtar**, is broadbanded to 50% for life with effect from date of discharge which in terms of the verdict of the Hon'ble Supreme Court in **UI & Ors Vs Tarsem Singh 2009 (1)AISLJ 371** is directed to be confined to commence from the period of three years prior to institution of the present OA i.e. 03.09.2019.*

17. The respondents are thus directed to calculate, sanction and issue the necessary PPO to the applicant within a period of three months from the date of receipt of copy of this order and the amount of arrears shall be paid by the respondents therein, failing which the applicant will be entitled to interest @6% p.a. from the date of receipt of copy of the order by the respondents till payment."

4. It is the case of the petitioners that the learned Tribunal has erred in drawing a presumption in favour of the respondent that the disability suffered by the respondent, that is, IHD Normal Coronaries, was aggravated by military service and granted him benefit of the disability element of pension.

5. The learned counsel for the respondent, on the other hand, has drawn our attention to the Release Medical Board proceedings dated 10.06.2002, which were duly approved by the Approving Authority as also the Confirming Authority, and which clearly opined that the disability suffered by the respondent has been aggravated due to military service. It also states that the disability suffered was due to the stress and strain of military service.



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6. In view of the above finding of the Release Medical Board itself, no fault can be found in the opinion of the learned Tribunal.

7. We, therefore, find no merit in the present petition. The petition, along with the pending application, is accordingly, dismissed. There shall be no orders as to costs.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 22, 2024/ss/sk/SJ

Click here to check corrigendum, if any