

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1994 OF 2024

Union of India through Ministry of Defence ... Petitioner.

V/s

Lt. Col. S.K. Rathore (Deceased)

Through his Widow Collen Rathore

...Respondent.

WITH

Writ Petition Nos.2017 of 2024, 2021 of 2024, 2020 of 2024, 2022 of 2024, 2013 of 2024, 2016 of 2024, 2015 of 2024, 2010 of 2024, 2011 of 2024, 6895 of 2025, 6896 of 2025, 6897 of 2025, 6898 of 2025, 6899 of 2025, 1993 of 2024, 4097 of 2025, 4095 of 2025, 3811 of 2025, 4094 of 2025, 2012 of 2024, 2018 of 2024, 2023 of 2024, 4096 of 2025, 3823 of 2025, 2025 of 2024, 4172 of 2024, 17380 of 2024, Writ Petition (St) Nos. 5799 of 2025, Writ Petition Nos.6541 of 2024, 17382 of 2024, 10754 of 2025, 4201 of 2025, 3018 of 2025, 10965 of 2025, 3019 of 2025, Writ Petition (St) No.18223 of 2025, Writ Petition Nos.10967 of 2025, 10969 of 2025, 10964 of 2025, Writ Petition (St) Nos.25447 of 2025, Writ Petition No.12968 of 2025, Writ Petition (St) No.25583 of 2025, Writ Petition Nos.10968 of 2025, 12969 of 2025, Writ Petition (St) Nos.27181 of 2025, 28195 of 2025, 28336 of 2025, Writ Petition No.18057 of 2024, Writ Petition (St) No.29309 of 2025, Writ Petition (St) Nos.28445 of 2024, 31522 of 2024, Writ Petition Nos.19049 of 2024, 6900 of 2025, 1990 of 2024, 2575 of 2025, 1992 of 2024, 2009 of 2024

WITH

Original Side Writ Petition Nos.4362 of 2024, 2802 of 2024, 2810 of 2024, Writ Petition (L) Nos. 3899 of 2024, 29059 of 2024, 30051 of 2024, 30784 of 2024, Writ Petition No.2468 of 2024, Writ Petition (L) Nos.39025 of 2024, 39038 of 2024.

Mr. Amarendra Mishra, advocate for the petitioner-UI in Writ Petition Nos. 6895 of 2025, 6896 of 2025, 6897 of 2025, 6898 of 2025, 6899 of 2025, 1993 of 2024, 4097 of 2025, 17380 of 2024, 17382 of 2024, 10754 of 2025, 10965 of 2025, 10967 of 2025, 10969 of 2025, 10964 of 2025, 12968 of 2025, 10968 of 2025, 12969 of 2025, 2009 of 2024, 19049 of 2024, 6900 of 2025 and Writ Petition (St) Nos. 5799 of 2025, 25583 of 2025, 27181 of 2025 &

29309 of 2025.

Mr. Amarendra Mishra a/w Adv. Anusha Amin, advocates for the petitioner in Writ Petition Nos. 2017 of 2024, 2021 of 2024, 2020 of 2024, 2022 of 2024, 2013 of 2024, 2016 of 2024, 2015 of 2024, 2010 of 2024 & 2011 of 2024.

Mr Niranjan Shimpi, advocate for the petitioner in Writ Petition No.4201 of 2025.

Mr. Satendra Kumar a/w Mr. Akshay Patil, advocates for the respondent in Writ Petition Nos. 2020 of 2024, 3823 of 2025, Writ Petition Nos. 3019 of 2025, 10967 of 2025, Writ Petition (St) No.27181 of 2025, Writ Petition No.10968 of 2025, Writ Petition (St) No. 28445 of 2025, Writ Petition Nos. 1994 of 2024, 1992 of 2024, 4362 of 2024 and 2810 of 2024.

Mr. Angsuman Ojha, advocate for the respondent in Writ Petition Nos. 2016 of 2024, 1993 of 2024, 2012 of 2024 and 6896 of 2025.

Mr. Mahadevan Anand, advocate for the respondent in Writ Petition Nos.2022 of 2024, 1990 of 2024, 3018 of 2025 and Writ Petition (St) No.28336 of 2025.

Mr. Dinesh Kumar Bishnoi, advocate for the respondent in Writ Petition Nos. 2010 of 2024, 2014 of 2024 & 2011 of 2024.

Ms. Anamika Malhotra, advocate for the petitioner in Writ Petition Nos. 4095 of 2025, 3811 of 2025, 4094 of 2025, 2012 of 2024, 2018 of 2024, 2023 of 2024, 4096 of 2025, 3823 of 2025, 2025 of 2024, 4172 of 2024, 6541 of 2024, 3018 of 2025, 3019 of 2025, 18057 of 2024, 2575 of 2025 and Writ Petition (St) Nos. 18223 of 2025, 25447 of 2025, 28195 of 2025, 28336 of 2025 & 31522 of 2024.

Mr. Sagar S. Ambedkar a/w Ms. Disha Nidre, advocates for the petitioner in Writ Petition (St) No.28445 of 2024.

Mr. Yogendra Pratap Singh, advocate for the respondent in Writ Petition Nos. 2015 of 2024, 4097 of 2025, 3811 of 2025, 2018 of 2024, 4096 of 2025, 6541 of 2024, 4201 of 2025, 10969 of 2025, 4094 of 2025, 6897 of 2025 and Writ Petition (St) No.28195 of 2025, 29309 of 2025, 31522 of 2024.

Mr. Ranjeet Kumar Singh, advocate for the respondent in Writ

Petition Nos. 6898 of 2025, 12969 of 2025 and 4095 of 2025.

Mr. H.S. Verma, advocate for the respondent in Writ Petition Nos. 4172 of 2024, 10965 of 2025, and Writ Petition (St) No.5799 of 2025.

Mr. Kedar Dighe for the petitioner in Original Side Writ Petition Nos. 4362 of 2024, 2810 of 2024, 2802 of 2024, 2468 of 2024, Writ Petition (L) No.3899 of 2024.

Mr. Amarendra Mishra, senior panel counsel for the petitioner in Writ Petition Nos. 29059 of 2024, 30051 of 2024, 30784 of 2024, 39025 of 2024, 39038 of 2024.

Mr. Ranjeet Kumar Singh for the respondent in Writ Petition (L) Nos. 39038 of 2024, 39025 of 2024.

Mr. Satendra Kumar i/b Mr. Yogendra Pratap Singh for the respondent in Writ Petition Nos.2802 of 2024, Writ Petition (L) Nos.3899 of 2024, 29059 of 2024, 30051 of 2024 and 30784 of 2024.

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 12th NOVEMBER 2025.

P.C. :

Mr. Amrendra Mishra, the learned counsel for the Union of India referred to the decisions in *“Dharamvir Singh v. Union of India”* 2013 (7) SCC 316, *“Ministry of Defence v. A.V. Damodaran”*, (2009) 9 SCC 140, *“No.14666828M Ex Cfn Narsingh Yadav v. Union of India”* in Civil Appeal No.7672 of 2019 decided on 3rd October 2019, *“Union of India & Ors. v. The Registrar, Armed Forces Tribunal & Anr”* in Writ Petition No.5698 of 2024 and Writ Miscellaneous Petition Nos.6299 & 6300 of 2024 decided on 7th March 2025, *“Union of India & Ors. v. Rank Ex Army No.2594436w NKM Alex & Anr. in WP No.25292 of 2024 and WMP Nos. 27632 & 27637 of 2024 decided on 7th March 2025, “15464897-W Ex-LD G.N. Subbaiah v. Union of India & Ors.” in Writ Petition No.15080 of 2024, “Union of India & Ors. v. Bhaskaran N (JC-843384P EX NB SUB CLK) in WP(C) No.8414 of 2024 decided*

on 28th November 2024, “*Union of India v. The Registrar, Armed Forces Tribunal & Anr.*” in WP No.23491 of 2024 and WMP Nos. 25679 & 25681 of 2024 decided on 7th March 2025, “*M Muthappan v. The Union of India & Ors.*” in Special Leave to Appeal (C) No. 24202 of 2025 decided on 4th September 2025, “*Union of India & Ors. v. NC ISAAC (Retd.)*” in Special Leave Petition (Civil) Diary No. 129 of 2025 decided on 31st January 2025 and “*Union of India & Ors. v. Satwinder Singh*” in Special Leave Petition (Civil) Diary No.42267 of 2025 decided on 11th September 2025 in support of these writ petitions to challenge the decision of Armed Forces Tribunal. The sum and substance of the submissions made by Mr. Mishra is that the judgment in “*Dharamvir Singh v. Union of India & Ors.*” cannot be applied in every case and each case has to be examined in its own facts and circumstances. The learned counsel further submits that there are substantial changes in the statutory regime under the Pension Regulations for the Army, Part-I (2008) and now automatic presumption cannot be raised as was the position in Entitlement Rules to Casualty Pensionary Awards to the Armed Forces Personnel, 1982 (old Rules). Mr. Kedar Dighe, the learned counsel appearing for Union of India in Original Side Writ Petition Nos.4362 of 2024, 2810 of 2024, 2802 of 2024, 2468 of 2024 and Writ Petition (L) No.3899 of 2024 adopted the submissions made by Mr. Amarendra Mishra and submitted that there is no challenge made to the opinion of Release Medical Board and the Tribunal was not justified in ignoring such opinion of the Medical Board.

2. Post these matters on 17th November 2025 at 4.00 P.M.

BHARAT
DASHARATH
PANDIT

Digitally signed by
BHARAT
DASHARATH
PANDIT
Date: 2025.11.17
13:53:32 +0530

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]