

**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, 4100 of 2025, 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, 9595 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, 25458 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 No.19457 of 2024, Writ Petition (St) Nos.28445 of 2024, 31522 of 2024, Writ Petition Nos.19049 of 2024, 6900 of 2025, 1990 of 2024, 3017 of 2025, 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-UOI in Writ Petition Nos. 6895 of 2025, 6896 of 2025, 6897 of 2025, 6898 of 2025, 6899 of 2025, 1993 of 2024, 4100 of 2025, 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, 9595 of 2025, 25458 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 (St) No. 9595 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, 19457 of 2024 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, 3017 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 : 11th NOVEMBER 2025.

P.C. :

Writ Petition No.1994 of 2024 has been taken up as lead matter with the consent of the parties.

2. We have heard Mr. Amarendra Mishra, the learned counsel for the Union of India for about 50 minutes. The learned counsel for the Union of India has taken us through the Pension Regulations for the Army, Part-I (2008). He has also taken us through the Medical Board proceedings and submitted that besides the judgment in “*Ministry of Defence v. A.V. Damodaran*” (2009) 9 SCC 140 and other cases on which he relies, the stand taken is that the opinion of the Medical

Board that “constitutional disorder not connected with military services” was a valid reason to decline disability pension and the Tribunal could not have interfered in the matter.

3. For further hearing, post the matter tomorrow, that is, on 12th November 2025 at 4:00 P.M.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

BHARAT
DASHARATH
PANDIT

Digitally signed by
BHARAT
DASHARATH
PANDIT
Date: 2025.11.17
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