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W.P.No.11934 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.11934 of 2025

&

W.M.P.Nos.13502 & 34005 of 2025

1. Union of India
Through the Secretary
Govt of India, Ministry of Defence
South Block, New Delhi-110011.
2. The Officer-in-charge
ASC Records (South)
Bangalore-560007.
3. The Chief of the Army Staff
Integrated HQ's of MOD (Army)
Post- DHQ, New Delhi-110011.
4. The PCDA (P)
Draupadi Ghat,
Allahabad, (U.P.)-211014.

.. Petitioners

Vs.

No 6393186H Ex Hav Jayasankar C
S/o Chinnakulandai, aged 52 years
Vill-Mankuppam, PO-Rathinagiri
Taluk-Walaja, Distt-Vellore
TN-632517

.. Respondent



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Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari calling for the records passed by the Hon'ble Armed Forces Tribunal in its impugned order dated 15 December 2023 in OA No 149 of 2022 thereby quashing the same.

For Petitioners : Mr.AR.L.Sundaresan
Additional Solicitor General of India
For Mr.A.R.Sakthivel
Senior Panel Counsel

For Respondent : Mr.L.Rajiah

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

The order of the Tribunal is under challenge mainly on the ground that the Tribunal, on the face of subsequent categorisation as NANA, as against the initial categorisation and re-categorisation as one of the diseases partly aggravated, could not have granted the relief of disability pension treating the case of the respondent as that of an army personnel having suffered disease which is attributable to and aggravated by military services.



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2. Today, when the case was taken up, learned counsel for Union of India clearly states that during the pendency of instant petition, number of petitions raising similar issues were filed. Learned counsel also submits that now, a policy decision has been taken vide administrative instruction dated 07.07.2025 with regard to processing and contest litigation in disability pension (NANA) cases. He would submit that as agreed by respondent, the case of respondent is covered under Clause 2(b) of the instruction and therefore, the petition may be disposed of as the case of respondent is being processed for implementation.

3. The instruction dated 07.07.2025 reads as under:

“ADJUTANT GENERAL’s BRANCH, AG/PS-4(B)

LITIGATION: DISABILITY ELEMENT/PENSION

1. In order to reduce litigation cases, all stake holder involved deliberated upon the litigation under the chairmanship of Secy (DESW) on 24 April 2025. Based on the deliberations and JAG (Army) opinion, necessary instructions on the subject have been disseminated to all



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concerned ***vide AG/PS-4 (B) letter No.39022/24/AG/PS-4(B)***
dated 09 June 2025 (copy attached).

2. *Writ Petitions filed against adverse AFT Orders in DP NANA cases governed by the Entitlement Rules, 2008, consist of the following four categories:-*

(a) Disability(ies) assessed NANA by initial categorisation med bd and successive re-categorisation med bd followed by similar assessment by RMB/IMB and accepted by the adjudicating authority.

(b) Initial categorisation or the subsequent re-categorisation med bd assessed the disability(ies) as either attributable to or aggravated by mil service but RMB/IMB assessed the disability(ies) as NANA and accepted by the adjudicating authority.

(c) RMB/IMB assessed the disability(ies) as either attributable to or aggravated by military service and assessed NANA by Adjudicating Authority.

(d) RMB/IMB initially assessed the disability(ies) as either attributable to or aggravated by military service but later re-assessed as NANA.



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3. Accordingly, cases under Para 2(b), (c) & (d) are being processed for implementation, however, cases covered by Para 2(a), since contrary to the entitlement, will continue to be contested and all legal remedies be exhausted.

4. For your information please.”

4. As the stand of the Union of India itself is that the case of respondent is covered under paragraph 2(b) and therefore, it is being processed for implementation, this petition is dismissed as not pressed. There shall be no order as to costs. Consequently, the interim applications are also dismissed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
25.11.2025

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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