



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No.19345 of 2025

Date of Decision: 14.07.2025

Union of India and others

.....Petitioners.

Versus

No.2717450 M Ex. Rect Abhishek Rana and another

.....Respondents.

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Ms. Promila Nain, Senior Panel Counsel, UOI
 for the petitioners.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The challenge is to the order passed by the learned Armed Forces Tribunal, Chandigarh dated 14.07.2023, whereby the OA filed by respondent No.1 was allowed and he was granted invalid pension for life from the date of his discharge.

2. Learned counsel submits that respondent No.1 had been enrolled in service on 16.08.2018 and invalided out on 30.12.2019 and in such a short period, if he had suffered "Generalised Seizure", the same cannot be attributed to the service.

3. However, we find that the issue is no more *res-integra*. Apart from the judgment passed by the Hon'ble Supreme Court in *Union of*



India and others Vs. P.A. Thomas, SLP (C) No.20330/2011, which has been relied upon by the AFT, we also notice that in a recent judgment dated 23.04.2025 passed in *Bijender Singh Vs. Union of India and others, 2025 SCC OnLine SC 895*, the Apex Court has held as under:-

“29. A conjoint reading of various provisions, reproduced above, makes it clear that:

29.1. Disability pension to be granted to an individual who is invalided from service on account of a disability which is attributable to or aggravated by military service in non-battle casualty and is assessed at 20% or over. The question whether a disability is attributable to or aggravated by military service to be determined under the Entitlement Rules for Casualty Pensionary Awards, 1982 of Appendix II (Regulation 173).

29.2. A member is to be presumed in sound physical and mental condition upon entering service if there is no note or record at the time of entrance. In the event of his subsequently being discharged from service on medical grounds any deterioration in his health is to be presumed due to service [Rule 5 read with Rule 14(b)].

29.3. The onus of proof is not on the claimant (employee), the corollary is that onus of proof that the condition for non-entitlement is with the employer. A claimant has a right to derive benefit of any reasonable doubt and is entitled for pensionary benefit more liberally (Rule 9).

29.4. If a disease is accepted to have been as having arisen in service, it must also be established that the



conditions of military service determined or contributed to the onset of the disease and that the conditions were due to the circumstances of duty in military service [Rule 14(c)].

29.5. If no note of any disability or disease was made at the time of individual's acceptance for military service, a disease which has led to an individual's discharge or death will be deemed to have arisen in service [Rule 14(b)].

29.6. If medical opinion holds that the disease could not have been detected on medical examination prior to the acceptance for service and that disease will not be deemed to have arisen during service, the Medical Board is required to state the reasons [Rule 14(b)]; and

29.7. It is mandatory for the Medical Board to follow the guidelines laid down in Chapter II of the Guide to Medical Officers (Military Pensions), 2002.”

5. In view thereto, the invalidity has to be treated as attributable to the military service. Therefore, no case for interference is made out and the present writ petition is dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

July 14, 2025
Yag Dutt

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No