



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

118

CWP-22838-2025

Date of Decision: 07.08.2025

Union of India and others

...Petitioners

Versus

Inder Singh and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Ms. Garima Kuthiala Prasher, Advocate for
Mr. Chander Mohan Sharma, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the order passed by the Armed Forces Tribunal, Regional Bench Chandigarh (hereinafter referred to as 'Tribunal'), dated 06.12.2023 (Annexure P-3), by which, while recording the finding that the respondent was suffering with 40% disability is to be rounded off to 50%, the benefit of disability pension has been extended by the Tribunal.

2. Learned counsel for the petitioners submits that respondent No.1 was enrolled in the Indian Air Force on 06.02.1997 and was found to be suffering from the disease "Persistent Delusional Disorder". On the basis of the same, he was discharged from the service on 29.08.2012 as the Medical Board assessed that the said disease is neither attributable to nor aggravated by the military service and on the said ground, the benefit of



disability pension was denied to respondent No.1.

3. The grievance raised before the Tribunal was that once respondent No.1 suffered the said disease during the time he was rendering service in the Army, same has to be considered to be attributable to and aggravated by the military service and the said claim of respondent No.1 is covered by the judgment of the Hon'ble Supreme Court of India in ***Dharamvir Singh vs. Union of India*, (2013) 7 SCC 316.**

4. The Tribunal, after appreciating the said fact, recorded a finding that the reasons given by the Medical Board for not allowing the claim of respondent No.1 cannot be accepted to be correct in the facts and circumstances of the present case and allowed the claim of respondent No.1 for the grant of disability pension as per the judgment in ***Dharamvir Singh's*** case (supra) and the disability of 40% was further rounded off to 50% keeping in view the judgment of the Hon'ble Supreme Court of India in case titled as ***Union of India and others vs. Ram Avtar*, 2014 SCC Online SC 1761.**

5. Learned counsel for the petitioners argues that as per the judgment of the Hon'ble Supreme Court of India in ***Narsingh Yadav vs. Union of India and others*, (2019) 9 SCC 667**, disability cannot be assessed in a mechanical way so as to hold that the report of the Medical Board is incorrect so as to grant the benefit of disability pension to an employee, who has been discharged on disability ground. Learned counsel for the petitioner further submits that the judgment in ***Narsingh Yadav's*** case (supra) has also



been followed by the Armed Forces Tribunal, Regional Bench, Lucknow, in OA No.606 of 2021, wherein the benefit of disability pension has been declined on the ground that the mental disorders can escape detection at the time of enrolment and no benefit can be given to the discharged employee on the said ground qua the disability pension.

6. We have heard learned counsel for the petitioners and have gone through the record of the case with her able assistance.

7. It may be noticed that respondent No.1-employee was enrolled in service in the year 1997. He continued working for a period of 15 years before he was discharged after detection of the disability of “Persistent Delusional Disorder”. Nothing has come on record to show that upto the year 2009, when the said disability was detected, there were any symptoms of any mental disorder being suffered by respondent No.1-employee.

8. Further, no reason has been given in the medical report so as to hold that the disability suffered is not attributable to the military service or has not been aggravated by the military service. A bare perusal of the reason given at page 52 of the paper book which is the medical report, would show that the same is silent about the reason as to why the opinion given by the doctors concerned that the disease suffered by the discharged employee is not attributable to the military service or aggravated by the military service. In the absence of any such reason, finding of the Medical Board cannot be accepted to be true, especially when the employee worked for a period of 12 years, without there being any mental disorder suffered by him. Learned



counsel for the petitioners has not been able to rebut the said factual aspect of the present case.

9. Further, as per the judgment in ***Dharamvir Singh's*** case (supra), it has already been held that where the medical report does not assign the reasons qua the decision/conclusion arrived at, the same can be disbelieved so as to grant the benefit of disability pension, especially when the employee was not suffering from the disease at the time of enrolment or for a further substantial period of his/her service.

10. So far as the reliance placed upon by learned counsel for the petitioners on the judgment in ***Narsingh Yadav's*** case (supra), it may be noticed that in the said case, the Hon'ble Supreme Court of India has accepted the report of the Medical Board keeping in view the detailed information supplied therein, whereas in the present case, no description of the posting and the duties being discharged by respondent No.1 have been taken into account while the said opinion was formed by the Medical Board, which nature of duty or the area of posting is essential so as to determine that whether the disability is attributable or aggravated by military service, devoid of which information, the presumption sides with the employee working under Armed Forces that disability is attributable to military service. Further, in the present case, it has already come on record that the employee concerned was found medically fit when respondent No.1 was enrolled in the Indian Air Force on 06.02.1997 and it was during the service time only, the said disease was diagnosed. Hence, the judgment in



Narsingh Yadav’s case (supra) cannot be applied in a mechanical way so as to deny the benefit.

11. Keeping in view the above, especially when no perversity could be pointed out in the judgment of the Tribunal by the learned counsel for the petitioners, either qua the facts or the settled principle of law, no ground is made out for any interference by this Court.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

August 07, 2025

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No