



2025:DHC:11604-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 933/2024**

**WG CDR RS MANOJ KUMAR (RETD)** .....Petitioner  
Through: Mr. Baljeet Singh, Ms. Deepika  
Sheoran and Mr. Abhishek Gahlyan, Advs.

versus

**UNION OF INDIA AND ORS** .....Respondents  
Through: Mr. Mukul Singh, CGSC with  
Mr. Aryan Dhaka and Ms. Ira Singh, Advs.

**CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****HON'BLE MR. JUSTICE OM PRAKASH SHUKLA****ORDER (ORAL)**% **18.12.2025****C. HARI SHANKAR, J.**

1. The only submission of learned Counsel for the respondents is that the Primary Hypertension of the petitioner was attributable to obesity. He has drawn our attention to the following extract from the specialist report:

**“OPINION**

This 46 yr old officer of F (N) branch is a case of Primary Hypertension; he is tolerating prescribed medication well without any adverse effect of drug; requires continuation of medication and observation.”

2. There is a difference between stating that a person is obese and that he is suffering from Primary Hypertension and the Primary Hypertension is attributable to obesity. It is not that every obese



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person suffers from Primary Hypertension.

3. The principles in *Dharamvir Singh v. Union of India*<sup>1</sup> and *Bijender Singh v. Union of India*<sup>2</sup> are well settled.

4. As there is no evidence to indicate that the Primary Hypertension was attributable to obesity and no other grounds have been assigned for the Primary Hypertension, the case is fully covered by the judgment in *Union of India v. Ex Sub Gawas Anil Madso*<sup>3</sup>.

5. Accordingly, the impugned order of the Armed Forces Tribunal, which has disallowed the Petitioner's claim to disability pension solely on the ground that he was obese, is set aside.

6. The petitioner is held to have been entitled to disability pension as claimed before the Tribunal.

7. Let disability pension be disbursed to the petitioner, reckoned from the date of his invalidation from service, within 12 weeks.

**C. HARI SHANKAR, J.**

**OM PRAKASH SHUKLA, J.**

**DECEMBER 18, 2025/AR**

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<sup>1</sup> (2013) 7 SCC 316

<sup>2</sup> 2025 SCC OnLine SC 895

<sup>3</sup> 318 (2025) DLT 711