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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 10959/2025 & CM APPL. 76271/2025****PRAMOD KUMAR**

.....Petitioner

Through: Mr. Abhay Kumar Bhargava,
Mr. Satyaarth Sinha, Ms. Shradha Mewati,
Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Viplav Acharya, Ms.
Laavanya Kaushik, Ms. Khyaati Bansal,
Advs. and Officer Abhishek Kumar Singh**CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****HON'BLE MR. JUSTICE OM PRAKASH SHUKLA****JUDGMENT (ORAL)**

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04.12.2025**C. HARI SHANKAR, J**

1. We are extremely disturbed at the fact that despite the Review Medical Board¹ which was constituted by the respondents to examine the case of the petitioner, with respect to attributability and aggravation of his medical conditions *vis a vis* the military service that he was undergoing, having specifically opined in the petitioner's favour, the petitioner has unnecessarily been dragged into this litigation, wasting the petitioner's time as well as the time of this Court.

2. We repeatedly queried of learned Counsel for the respondents

Signature Not Verified¹ "RMB" hereinafterSigned By: PREETI W.P.(C) 10959/2025
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whether in view of the findings of the RMB, the respondents were contesting this case. Mr. Viplav Acharya has sought instructions from the briefing Officer present in the Court, who has instructed him to contest this matter.

3. While we cannot fault learned Counsel for the respondents, as he acts on instructions, we express our displeasure at the fact that, in a case such as this, the petitioner is having to contest the matter before the Court.

4. The claim of the petitioner relates to disability pension on the ground of Bipolar Disorder and Varicose Veins.

5. We may note that the petitioner had initially been diagnosed as suffering from Bipolar Disorder, Varicose Veins and Alcohol Dependence Syndrome. Further, the claim for disability pension is restricted to Bipolar Disorder and Varicose Veins. Following earlier medical board proceedings, the petitioner was subjected finally to a RMB on 8 May 2024. We may reproduce, *in extenso*, the report of the RMB, thus:

“ PART-II OF REVIEW MEDICAL BOARD PROCEEDINGS

No.032215205 Rank CT/GD Name PRAMOD KUMAR of 161 BN BSF

1. Findings of the Board in brief (if different from the findings mentioned in part-1): NIL.
2. Opinion of the board:

The board having examined 032215205 Rank CT/GD Name PRAMOD KUMAR of 161 BN BSF is of the opinion that he is suffering from "Bipolar Affective Disorder & Alcohol use Disorder and Varicose Vein (Rt) leg" and is considered UNFIT for



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further service in BSF.

3.	Was the disability contracted in service? YES	4.	Was it contracted in circumstance over which he had no control? Yes, for Bipolar Affective Disorder & Varicose vein(Rt leg) No. for Alcohol use Disorder.
5.	Is it directly attributable to condition of service? NO	6.	If so by what specific condition NA
7.	If not directly attributable to service was it aggravated thereby and if so, by what condition? Yes, due to stress and strain for Bipolar Affective Disorder, training & marching for Varicose Vein.	8.	Medical category recommended. S5H1A1P2(T-24)E1
9.	Percentage of disability 43% (Forty Three percent) PERMANENT	10.	Period for which the above medical category recommended PERMANENT FOR 'S' FACTOR TEMPORARY FOR 'P' FACTOR
11.	Further treatment/investigations recommended As advised by specialists	12.	Next board due on Not applicable
13.	Employability restriction: Unfit for further service		

6. Clearly, the petitioner has been found as suffering from 43% permanent disability on account of Bipolar Disorder and Varicose Veins. Bipolar Disorder has been found to be aggravated by the stress and strain of service and Varicose veins are been found to be

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aggravated by training and marching. As such, aggravation of both the disorders, owing to the military service undertaken by the petitioner, has been confirmed by the RMB.

7. In these circumstances, there can be no question of the petitioner not being entitled to disability pension, as (i) the extent of disability is in excess of 20% and (ii) both the disabilities have been found to be aggravated by military service.

8. It is not disputed that the entitlement to disability pension would follow if the disability is aggravated by military service, even if it is not attributable to it. We may reproduce in this context, the relevant clause of the Central Civil Services (Extraordinary Pension) Rules, 2023² which entitles the petitioner to disability pension:

“4. Conditions for grant of disability pension or family pension-

(2) The disablement shall be reckoned as due to the Government service, if it is certified that the same is due to wound, injury or disease, which-

(b) existed before or arose during the Government service and has aggravated thereby.”

9. We feel that, in a case such as this, an example has to be set, both in the interests of the Armed Forces personnel who has had to spend valuable time seeking only for his due entitlement which is expressly recognised even by the respondents, as well as to ensure that judicial time is not taken up in such unnecessary proceedings.



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10. We declare that the petitioner is entitled to disability pension in terms of Rule 4(2)(b) of the CCS(EOP) Rules, both on account of the Varicose Veins as well as the Bipolar Disorder from which the petitioner was suffering. The respondents shall disburse disability pension to the petitioner in terms of our order within a period of four weeks from today.

11. The pension shall be payable from the date when the petitioner was released on 31 May 2024. Failure to disburse the said amount within the period of four weeks shall entitle the petitioner to further interest @ 12% per annum on the amount till the date of actual payment.

12. We award the petitioner an amount of ₹ 25,000/- by way of costs, which shall be disbursed by the respondents to the petitioner within a period of four weeks from today.

13. The petition is allowed in the aforesaid terms.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

DECEMBER 4, 2025/rjd