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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 814/2024 & CM APPL. 3506/2024**

UNION OF INDIA & ORS.Petitioners
Through: Mr.Ripudaman Bhardwaj,
CGSC with Mr.Kushagra
Kumar, Mr.Abhinav Bhardwaj,
Mr.Amit Kumar Rana, Advs.
for UOI.
Major Anish Muralidhar, Army.

versus

LT COL AMRISH MAN GURUNG RETDRespondent
Through: counsel (appearance not given)

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
28.03.2025

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1. On 18.03.2025, upon hearing the learned counsels for the parties, we had passed the following detailed order:

*“1. This petition has been filed by the petitioners, challenging the Order dated 22.02.2023 passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi in O.A. No. 1446/2021 titled **Lt Col Amrish Man Gurung (Retd) v. Union of India & Ors.**, whereby the Original Application of the respondent herein was allowed with the following directions:*

*“4. Keeping in view the consistent stand taken by this Tribunal based on the law laid down by the Hon’ble Supreme Court in the case of **Dharamvir Singh v. Union of India and others** (2013) 7 SCC 316 that Primary Hypertension may arise even in a peace area due to stress*



and strain of service, we see no reason not to allow the prayer of the applicant with regard to the disability Primary Hypertension, which has been assessed by the competent Medical Board @ 30%.

5. Accordingly, we allow this application holding that the applicant is entitled to disability element of pension @ 30% rounded off to 50% with effect from the date of his discharge. All other claims stand rejected.”

*2. The learned counsel for the petitioners submits that the learned Tribunal has wrongly placed reliance on the Judgment of the Supreme Court in **Dharamvir Singh v. Union of India & Ors.**, (2013) 7 SCC 316, to allow the Original Application filed by the respondent, without appreciating that the condition of ‘Primary Hypertension’ was detected while the respondent was posted in a peace area and, in any case, can be a condition caused by lifestyle and other factors which may not be attributable to the conditions of service.*

3. On the other hand, the learned counsel for the respondent has placed before us the Medical Board proceedings dated 21.05.2001/30.06.2001, wherein the Medical Board had opined that the condition of Primary Hypertension was aggravated by service conditions due to stress and strain of service. He has further pointed out that just before the discovery of the said condition, the respondent was, in fact, posted in a field area.

4. The Medical Board proceedings are taken on record.

5. The learned counsel for the petitioners prays for time to seek instructions on the document produced today by the learned counsel for the respondent.

6. At his request, re-list on 28th March, 2025 before the same Bench.”



2. Today, the learned counsel for the petitioners confirms that in the Medical Board proceedings dated 21.05.2001/30.06.2001, it had been opined that the condition of Primary Hypertension, suffered by the respondent, was attributable to service conditions, being caused due to the stress and strain of service, and there was no challenge to these proceedings and reports.
3. Accordingly, we find no merit in the present petition. The same is dismissed.

NAVIN CHAWLA, J

SHALINDER KAUR, J

MARCH 28, 2025
RN/SJ