



2025:DHC:2454-DB



\$~3 (Spl. Bench)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 08.04.2025

+ W.P.(C) 14746/2024 & CM APPL. 61937/2024

UNION OF INDIA & ORS.

.....Petitioners

Through: Ms.Ekta Caoudhary,
Ms.Rushali Sikand, Mr.Anand
Krishna, Mr.Ayush Kumar,
Advs.

versus

EX SGT MANOJ KUMAR (SERVICE NO. 764366)

.....Respondent

Through: Ms.Deepika Sheoran,
Mr.Ashish Sheoran &
Mr.Baljeet Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the Order dated 12.09.2023 passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in Original Application ('OA') No.1672/2019, titled ***Ex Sgt Manoj Kumar v. Union of India & Ors***, allowing the said OA filed by the respondent herein with the following directions:

"26. The OA 1672/2019 is thus allowed. The applicant is thus held entitled to the grant of disability pension for life qua the disability of Complex Partial Seizures G-40.2 @20% for life which in terms of the verdict of the Hon'ble



Supreme Court in UOI & Ors. vs Ramavtar in Civil Appeal No. 418/2012 is rounded off to 50% for life, from the date of discharge.

27. The respondents are thus directed to calculate, sanction and issue the necessary Corrigendum PPO to the applicant within a period of three months from the date of receipt of copy of this order and the amount of arrears shall be paid by the respondents, failing which the applicant will be entitled for interest @6% p.a. from the date of receipt of a copy of the order by the respondents."

2. The learned counsel for the petitioners submits that the learned Tribunal has erred in simply placing reliance on the Entitlement Rules for Casualty Pensionary Awards, to the Armed Forces Personnel 2008, which took effect from 01.01.2008, without appreciating that there is no provision of any presumption being drawn in favour of the respondent therein, as was the case in ***Dharamavir Singh v. Union of India & Ors.***, (2013) 7 SCC 316.

3. We have considered the submissions made by the learned counsel for the petitioners, however, find no merits in the same.

4. Similar submissions have been considered by a Coordinate Bench of this Court in ***Union of India & Ors. v. Ex Sub Gawas Anil Madso***, 2025:DHC:2021-DB, and rejected.

5. Even otherwise, the disability in question was Complex Partial Seizure, which was detected in June, 2014, when the respondent was posted in the field station at 2WEU(A), and continued till his release on 31.07.2017 .

6. The learned counsel for the petitioners, however, has submitted that the first instance of loss of consciousness was reported by the



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respondent on 22.06.2014, when he was on leave and had gone to Hathras, his hometown.

7. In our opinion, the said fact would have no bearing on the relief that has been granted to the respondent. Merely because the first episode occurred when the respondent was on leave and at his native place, the same does not, in any manner, deviate from the fact that the disability occurred/has been aggravated by service conditions.

8. Accordingly, we find no merit in the present petition. The same is dismissed with costs of Rs.15,000/- to be paid by the petitioners to the respondent. The pending application is also disposed of as having been rendered infructuous.

NAVIN CHAWLA, J

SHALINDER KAUR, J

APRIL 8, 2025/Arya/SJ

Click here to check corrigendum, if any