



2025:DHC:2456-DB



\$~4 (Spl. Bench)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 08.04.2025***

+ W.P.(C) 16351/2024 & CM APPL. 69013/2024

UNION OF INDIA & ORS.

....Petitioners

Through: Dr.Vijendra Singh, CGSC with
Mr.Abhinav Rathi, Adv.

versus

CDR PYARE LAL (RETD)

.....Respondent

Through: Mr.Shakti Jaidwal , 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 18.04.2024 passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal'), in Original Application ('OA') No. 502/2023, titled ***CDR Pyare Lal (Retd) v. Union of India & Ors.***, allowing the said O.A. filed by the respondent herein with the following directions:-

"6. Accordingly, we allow this application holding that the applicant is entitled to disability element of pension for the disability of Primary Hypertension @ 30% rounded off to 50% for life and direct the respondents to calculate, sanction and issue necessary PPO to the applicant within four months from the date of receipt of copy of this order, failing which the applicant shall be entitled to interest @ 6% per annum till the date of payment."

2. The learned counsel for the petitioners submits that the learned



Tribunal has simply brushed aside the opinion of the Release Medical Board ('RMB'), without giving any reasons whatsoever for the same. He submits that the RMB had taken note of the fact that the onset of the disability was when the respondent was posted in a peace area, and found that the disability of primary hypertension, suffered by the respondent, was basically a lifestyle disability. He submits that, therefore, disability pension was rightly refused to the respondent.

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

4. While we do appreciate that the learned Tribunal should have given reasons for setting aside the opinion of the RMB, since this petition is for a claim for disability pension, instead of remanding the matter back to the learned Tribunal on this ground, we have considered the same on merit.

5. It is not denied that upon the onset of the disability being noticed, the Initial/Categorization Medical Board, in its Opinion dated 13.11.2006, had specifically stated that the disability suffered by the respondent was aggravated by service due to '*stress and strain of service*'. There was no challenge to this opinion. The RMB, however, in its report dated 30.10.2013, declared that the disability suffered by the respondent was not attributable to service, only because its onset was noticed when the respondent was posted in a 'peace area'. We are of the opinion that the RMB could not have differed from the opinion of the Initial/Categorization Medical Board, which had stood ground for 7 years.

6. We, therefore, are of the opinion that the learned Tribunal has



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rightly set aside the opinion of the RMB and directed payment of disability pension to the respondent.

7. 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