



2025:DHC:1769-DB



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

Date of decision: 18.03.2025

+ W.P.(C) 16400/2024

UNION OF INDIA AND ORS

....Petitioners

Through: Mr.Ajit Kumar Pathak, SPC
with Mr.Alok Vajpayee &
Ms.Akriti Pathak, Adv.
Major Anish Muralidhar, Army.

versus

EX NK RANJIT KUMAR RAY

.....Respondent

Through: Mr.Raj Kumar & Mr.Devendra
Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 69101/2024 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 16400/2024 & CM APPL. 69102/2024

2. This petition has been filed by the petitioners challenging the Order dated 16.02.2024 passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No.1288/2023 titled *Ex Nk Ranjit Kumar Ray v. Union of India & Ors.*, whereby the said Original Application filed by the respondent herein was allowed with the following directions:



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*“15. Therefore, in view of our analysis, the OA is allowed and Respondents are directed to **grant benefit of disability element of pension @ 60% for life, rounded off to 75%** in view of judgment of Hon’ble Apex Court in *Union of India versus Ram Avtar (supra)* from the date of discharge i.e. **31.08.2022**. The arrears shall be disbursed to the applicant within four months of receipt of this order failing which it shall earn interest @ 6% p.a. till the actual date of payment.”*

3. The learned counsel for the petitioners submits that the learned Tribunal has wrongly relied upon 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 herein, without appreciating that the medical condition of the respondent, that is, ‘Chronic Kidney Disease (igA Nephropathy) (N18.9)’ could have been caused by various reasons that may not be attributable to the conditions of service. He submits that the same has also been recorded by the Release Medical Board. He submits that the opinion of the Medical Board cannot be interfered with by the learned Tribunal.

4. On the other hand, the learned counsel for the respondent draws our attention to the Re-classification Medical Board Proceedings dated 14.12.2015, which had categorically recorded that the condition suffered by the respondent could be stated to be attributable to military service.

5. Given the recommendation of the Re-classification Medical Board, and finding that the Release Medical Board had not given any reasons for disagreeing with the same, we find that no error has been



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committed by the learned Tribunal in passing the Impugned Order.

6. Accordingly, the present petition is hereby dismissed. The pending application also stands disposed of.

NAVIN CHAWLA, J

SHALINDER KAUR, J

MARCH 18, 2025/sg/SJ

Click here to check corrigendum, if any