



2025:DHC:10977-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 18531/2025, CM APPL. 76845/2025 & CM APPL. 76846/2025

UNION OF INDIA & ANR.Petitioners
Through: Ms. Shagun Shahi Chugh and
Mr. Varun Chugh, SPCs with Ms. Kavya
Roy Choudhury, Adv.

versus

672596 EX HFL RATAN LAL MAHATORespondent
Through:

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)
05.12.2025

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C. HARI SHANKAR, J.

1. This writ petition is directed against order dated 30 October 2023 passed by the Armed Forces Tribunal¹, whereby the respondent's claim for disability pension stands allowed. We find from the index filed with the petition that the index itself is dated 3 December 2025. In other words, this petition has been filed more than 2 years after the passing of the judgment by the AFT. There is not a whisper of an explanation in this petition to justify this delay.

2. The Supreme Court has held in *Thirunagalingam v. R.*



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*Lingeswaran*², that the Courts should not entertain belated writ petitions which suffer from inordinate and unexplained delay and latches.

3. Following the said decision, this writ petition is liable to be dismissed even on the ground of unexplained delay and latches.

4. Nonetheless, as the issue is covered by earlier decisions passed by us, we also deem it appropriate to deal with this writ petition on merits.

5. The respondent has claimed disability pension on the ground that he was suffering from Primary Hypertension. He was released from service 37 years after he had joined service.

6. The Release Medical Board³ certified that the Primary Hypertension of the respondent was to the extent of 30% disability, lifelong.

7. The reasons adduced by the RMB for opining that the disability from which the respondent was suffering was not attributable to or aggravated by service reads, thus:

“(i) PRIMARY HYPERTENSION (Old) I-10.0, Z-09.0: A life style related disorders. Onset in peace in Nov.2012 at Bhatinda. There is no close time association with stress and strain of Field/HAA/CI Ops service. Hence, NANA vide Para 43 of Ch VI of GMO (Mil Pen) 2008.

² 2025 SCC OnLine SC 1093

³ “RMB” hereinafter



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8. These reasons are practically stereotyped. We find in case after case that the RMB, without adducing any alternate cause for the ailment suffered by the officer, merely rejects the claim for disability pension with similar cyclostyled remarks, which are completely non-speaking in nature.

9. In similar cases which involved identical reasons provided by the RMB, we have allowed claims for disability pension in our decision in *Union of India v. Ex. SGT Manoj K L Retd⁴*, *Union of India v. Rajveender Singh Mallhi⁵* and *Union of India v. Koutharapu Srinivasa⁶, etc.*, in the cases of Primary Hypertension.

10. We may note that, as on date, we have allowed claims for disability pension relating to Primary Hypertension in 205 matters.

11. We are not informed that any of these decisions has been stayed or set aside, though the UOI has, in certain limited matters relating to disability pension, filed SLPs in the Supreme Court.

12. In view of the aforesaid, the matter is fully covered on merits against the petitioner.

13. Besides, we are not sitting in appeal over the decision of the AFT. We are exercising *certiorari* jurisdiction which is restricted by

⁴ Judgment dated 13 November 2025 in WP(C) 17225/2025

⁵ 2025 SCC OnLine Del 3956

⁶ 2025 SCC OnLine Del 4292



the law expostulated in the following passages from the judgment of the Supreme Court in **Syed Yakoob v. K.S. Radhakrishnan**⁷.

“7. The question about the limits of the jurisdiction of High Courts in issuing a writ of certiorari under Article 226 has been frequently considered by this Court and the true legal position in that behalf is no longer in doubt. *A writ of certiorari can be issued for correcting errors of jurisdiction committed by inferior courts or tribunals: these are cases where orders are passed by inferior courts or tribunals without jurisdiction, or is in excess of it, or as a result of failure to exercise jurisdiction. A writ can similarly be issued where in exercise of jurisdiction conferred on it, the Court or Tribunal acts illegally or properly, as for instance, it decides a question without giving an opportunity, be heard to the party affected by the order, or where the procedure adopted in dealing with the dispute is opposed to principles of natural justice. There is, however, no doubt that the jurisdiction to issue a writ of certiorari is a supervisory jurisdiction and the Court exercising it is not entitled to act as an appellate Court. This limitation necessarily means that findings of fact reached by the inferior Court or Tribunal as result of the appreciation of evidence cannot be reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be. In regard to a finding of fact recorded by the Tribunal, a writ of certiorari can be issued if it is shown that in recording the said finding, the Tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which has influenced the impugned finding. Similarly, if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a writ of certiorari. In dealing with this category of cases, however, we must always bear in mind that a finding of fact recorded by the Tribunal cannot be challenged in proceedings for a writ of certiorari on the ground that the relevant and material evidence adduced before the Tribunal was insufficient or inadequate to sustain the impugned finding. The adequacy or sufficiency of evidence led on a point and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal, and the said points cannot be agitated before a writ Court. It is within these limits that the jurisdiction conferred on the High Courts under Article 226 to issue a writ of certiorari can be legitimately exercised (vide **Hari Vishnu Kamath v. Syed Ahmad Ishaque**⁸, **Nagandra Nath Bora v.***

⁷ AIR 1964 SC 477

⁸ (1954) 2 SCC 881



**Commissioner of Hills Division and Appeals Assam⁹
and Kaushalya Devi v. Bachittar Singh¹⁰.**

8. It is, of course, not easy to define or adequately describe what an error of law apparent on the face of the record means. *What can be corrected by a writ has to be an error of law; hut it must be such an error of law as can be regarded as one which is apparent on the face of the record. Where it is manifest or clear that the conclusion of law recorded by an inferior Court or Tribunal is based on an obvious mis-interpretation of the relevant statutory provision, or sometimes in ignorance of it, or may be, even in disregard of it, or is expressly founded on reasons which are wrong in law, the said conclusion can be corrected by a writ of certiorari. In all these cases, the impugned conclusion should be so plainly inconsistent with the relevant statutory provision that no difficulty is experienced by the High Court in holding that the said error of law is apparent on the face of the record.* It may also be that in some cases, the impugned error of law may not be obvious or patent on the face of the record as such and the Court may need an argument to discover the said error; but *there can be no doubt that what can be corrected by a writ of certiorari is an error of law and the said error must, on the whole, be of such a character as would satisfy the test that it is an error of law apparent on the face of the record.* If a statutory provision is reasonably capable of two constructions and one construction has been adopted by the inferior Court or Tribunal, its conclusion may not necessarily or always be open to correction by a writ of certiorari. In our opinion, it is neither possible nor desirable to attempt either to define or to describe adequately all cases of errors which can be appropriately described as errors of law apparent on the face of the record. Whether or not an impugned error is an error of law and an error of law which is apparent on the face of the record, must always depend upon the facts and circumstances of each case and upon the nature and scope of the legal provision which is alleged to have been misconstrued or contravened.”

(Emphasis supplied)

14. Within the limited parameter of *certiorari* jurisdiction, no case for interference with the judgment of the AFT is made out.

⁹ AIR 1958 SC 398

¹⁰ AIR 1960 SC 1168



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15. Accordingly, this writ petition is dismissed both on delay as well as on merits.

16. Compliance with the order of the AFT be positively ensured within six weeks from today.

17. It is made clear that no request for extension of time to comply with the direction of the AFT would be entertained.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

DECEMBER 5, 2025/AR