



2025:DHC:11815-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 19485/2025**

UNION OF INDIA AND ORSPetitioners
Through: Mr. Sushil Kumar Pandey, SPC
versus

696631 EX JWO RAKESH KUMAR
GUPTARespondent
Through: Mr. Durgesh Kumar Sharma,
Advocate

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

JUDGMENT (ORAL)

% **22.12.2025**

C. HARI SHANKAR, J.

1. This writ petition assails an order dated 8 October 2024 passed by the Armed Forces Tribunal¹ in OA 3830/2023 whereby the respondent's prayer for disability pension has been allowed.

2. Disability pension was sought on the ground that the respondent suffered from Primary Hypertension which was found to be 30% for life rounded off to 50%. The onset of the Primary Hypertension was 37 years after the respondent joined the service. No Primary Hypertension was noted at the time when the respondent was recruited.

3. The reasoning given by the Release Medical Board for holding that the respondent's Primary Hypertension was not attributable to or



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aggravated by service read thus:

“Primary Hypertension (Old) 1-10, Z 09, 0 - As per Para 43 of Chapter VI of GMO (Military Pension)-2008(onset in peace, no delay in diagnosis/ treatment. No close time association with CI OPS/HAA/Field Areas.”

4. In 220 similar cases, in which the reasoning of the RMB is substantially the same, including *Union of India v. Ex. SGT Manoj K L Retd²* and *Union of India v. Rajveender Singh Mallhi³* as well as *Union of India v. Ex Sub Gawas Anil Madso⁴*, we have upheld the order of the AFT and dismissed the writ petition.

5. Those decisions apply, *mutatis mutandis*, to the present case.

6. We have not been informed that any of these decisions has been stayed or interfered with by the Supreme Court.

7. This dispute is entirely covered by the aforesaid decisions.

8. The writ petition is accordingly dismissed.

9. Compliance with the order of the AFT be positively ensured within twelve weeks from today.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

DECEMBER 22, 2025/yg

¹ “AFT”, hereinafter

² 2025 SCC OnLine Del 8442

³ 2025 SCC OnLine Del 3956

⁴ 318 (2025) DLT 711