



2025:DHC:955-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 13.02.2025***

+ W.P.(C) 1795/2025
UNION OF INDIA AND ORS & ORS.Petitioners

Through: Mr.Jagdish Chandra, CGSC
with Mr.Shubham Kumar
Mishra, Adv.
Major Anish Muralidhar, Army

versus

SUB TIFC REJI TV RETDRespondent

Through: Nemo

CORAM:**HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE SHALINDER KAUR****NAVIN CHAWLA, J. (ORAL)****CM APPL. 8610/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

CM APPL. 8611/2025

2. For the reasons stated in the application, the delay of 244 days in re-filling the petition is condoned.

3. The application is disposed of.

W.P.(C) 1795/2025 & CM APPL. 8609/2025

4. This petition has been filed by the petitioner, challenging the Order dated 06.02.2023 passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi (in short, the 'learned Tribunal') in O.A. No. 723/2022, titled ***Sub (TJFC) Reji TV (Retd) v. Union of India & Ors.***, whereby the learned Tribunal allowed the said Original



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Application filed by the respondent herein and directed the petitioners to issue a necessary corrigendum Pension Payment Order in favour of respondent, granting disability pension @50% for life with effect from the date of his discharge.

5. The learned counsel for the petitioners submits that the learned Tribunal has allowed the Original Application filed by the respondent merely by relying upon the Judgment of the Supreme Court in *Dharamvir Singh v. Union of India & Ors.*, 2013 (7) SCC 316, while disregarding the opinion of the Release Medical Board, which had opined that the disability suffered by the respondent was neither attributable to nor aggravated by service.

6. We have considered the submissions made by the learned counsel for the petitioners.

7. While we do appreciate that merely by relying upon the Judgment of the Supreme Court in *Dharamvir Singh* (supra), it may not be sufficient to disregard the opinion of a Release Medical Board, which would be consisting of experts, at the same time, in the peculiar facts of the present case, we do not deem it appropriate to interfere with the Order passed by the learned Tribunal.

8. In the present case, the proceedings of the Release Medical Board initially indicated that the disability of '*PRIMARY HYPERTENSION*' suffered by the respondent was aggravated by service. The remarks also seem to suggest the same. However, there was an overwriting on the said opinion, and it was subsequently changed to "No", with an additional remark that it was not connected



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to military service. It appears that the President of the Medical Board unilaterally altered the opinion of the previous Release Medical Board, which consisted of three doctors.

9. In view of these peculiar facts, we would not like to interfere with the Orders passed by the learned Tribunal. The petition, along with the pending application is, accordingly, dismissed.

NAVIN CHAWLA, J

SHALINDER KAUR, J

FEBRUARY 13, 2025/sg/DG

Click here to check corrigendum, if any