



2025:DHC:11961-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 19736/2025, CM APPLs. 82436/2025, 82437/2025 & 82438/2025

UNION OF INDIA AND ORS.Petitioners
Through: Ms. Arunima Dwivedi, CGSC
with Ms. Himanshi Singh, Ms. Monalisha
Pradhan and Ms. Priya Khurana, Advs.

versus

CAPT.(TS) BHARTENDER SINGH
KANWAR (RETD) (03215 -F)Respondent
Through: Mr. Shakti Jaiswal, Adv.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA
JUDGMENT (ORAL)
% **24.12.2025**

C. HARI SHANKAR, J.

1. This writ petition assails an order dated 22 November 2023 passed by the Armed Forces Tribunal¹ 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 32 years after the respondent joined the service. No Primary Hypertension was noted at the time when the respondent was recruited.



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

“(a) Onset of ID was in 29 Mar 2008 while serving is Port Blair (Peace Area). Detected during AME. There is no close time association with Fd/HAA/CI Ops tenure. Hence ID conceded as neither attributable nor aggravated by mil service as per Para 43 Chapter VI GMO's Mil Pen 2008 amendment. No TOD.”

4. In 223 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. Ms. Arunima Dwivedi, learned CGSC for the Union of India fairly acknowledges that this dispute is entirely covered by the aforesaid decisions.

8. The writ petition is accordingly dismissed in *limine*.

¹ “AFT”, hereinafter

² 2025 SCC OnLine Del 8442

³ 2025 SCC OnLine Del 3956

⁴ 318 (2025) DLT 711



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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 24, 2025/aky

Signature Not Verified

Digitally Signed By: AWIP.(C) 19736/2025
KUMAR
Signing Date: 24.12.2025
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