Sr. No. 28

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 1552/2026

Date of Pronouncement: 27.10.2026
Date of Uploading: 28.10.2026

Yash Paul .....Applicant(s)/Petitioner (s)

Through :- None

v/s

Union of India and others .....Respondent(s)

Through :- Mr. Vishal Sharma, DSGI with
Mr. Karan Sharma, CGSC

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

ORDER
27.10.2026

01. Impugned in this petition filed under Article 226 of Constitution of India, is an Order dated 06.05.2024 passed by Armed Forces Tribunal, Regional Bench, Srinagar at Jammu in OA No. 150/2022, whereby the Tribunal has dismissed the OA of the petitioners on the ground that since he was not discharged on account of medical grounds, therefore, he was not entitled to grant of disability pension.

02. Having heard learned counsel for the parties and perused the material available on record, we are of the considered opinion that the judgment passed by the Tribunal is not sustainable in law, as the Tribunal has not considered the impact of the judgments passed by the Hon'ble Supreme Court in the case of *"Bijender Singh vs. Union of India and others"* **2025 INSC 549** and "*Daharmvir Singh vs. Union of India and others"* **AIR 2013 SC 2840**.

03. Be that as it may, a reading of the impugned order would demonstrate clearly that the real issues involved in the OA have not been considered by the Tribunal.

04. It is not in dispute that the respondent was discharged from Army service with effect from 31.01.2001, after rendering 16 years, 02 month and 03 days of service, and that his discharge was under Rule 13(3)(III)(v) of the Army Rules, 1954. However, at the time of his discharge he was produced before the Discharge Medical Board and his disability i.e. 'general seizure', was assessed at 20 percent for two years, but found neither attributable to nor aggravated by Army Services. It was thus, not a case where the Tribunal could have dismissed the OA simply on the ground that the discharge was not on medical grounds.

05. In view of the aforesaid, we are of the considered opinion that the matter needs to be considered at length afresh by the Tribunal. The impugned order, which is not sustainable in law, is hereby set aside. The matter is sent back to the Tribunal for adjudication afresh after hearing both the sides. The Tribunal, upon receipt of this order, shall issue notice to both the parties and proceed further in accordance with law.

06. Let a copy of this Order be sent to AFT for information and Compliance.

(MA Chowdhary)
Judge

(Sanjeev Kumar)
Judge

JAMMU
27.10.2026
Sapna

HIGH COURT OF JAMMU & KASHMIR AND LADAKH