Serial No. 64
Supplementary Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

(Through Virtual Mode)

WP (C) No. 3469/2026

Union Of India Th Secretary To Govt Of India Ministry Of Defence And Others. **...Appellant/Petitioner(s)**

Through: Mr. Vikas Sharma, CGSC.

Vs.

Aman Kumar **...Respondent(s)**

Through:

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

ORDER
31.10.2026

01. Impugned in this petition filed under Article 226 of the Constitution of India by the Union of India is the judgment and order dated 6th January 2026 passed by the Armed Forces Tribunal, Regional Bench, Srinagar at Jammu [("the Tribunal")] in O.A. No. 85 of 2023, titled *Aman Kumar v. Union of India & Ors.*, whereby the original application filed by the respondent was allowed and he was held entitled to invalid pension with effect from 28th February 2021.

02. Briefly stated, the respondent was enrolled in Army service on 21st December 2018 and was invalided out on 27th February 2021, within a period of three years on the ground that he was suffering from a disability, namely "Bipolar Affective Disorder," which was

assessed by the competent Medical Board as neither attributable to nor aggravated by military service.

03. The respondent's claim for grant of disability pension was consequently rejected. Aggrieved thereby, he approached the Tribunal by filing O.A. No. 85 of 2023. During the course of arguments, it was conceded on his behalf that while he may not be entitled to disability pension due to the lack of attributability or aggravation, he was squarely entitled to invalid pension in terms of the Government of India's policy decision dated 16th July 2020.

04. The Tribunal accepted this contention, allowed the O.A., and directed the grant of invalid pension to the respondent with effect from 28th February 2021, which order is challenged by the petitioners in the present proceedings.

05. The primary ground of challenge raised by the petitioners is that the Tribunal failed to appreciate that the respondent could be held entitled to invalid pension only if he had been certified as unfit for civil service as well.

06. Having heard learned counsel for the parties and perused the record, we are of the considered view that the impugned order and judgment passed by the Tribunal is legally and factually sound, warranting no interference.

07. Admittedly, the respondent was boarded out of service on account of the disability contracted during the course of his military service. While his disability (assessed at 40% for life) was found neither attributable to nor aggravated by military service justifying the

HIGH COURT JAMMU & KASHMIR AND LADAKH

rejection of his claim for disability pension. However, his claim for invalid pension stands on an entirely different footing.

08. It remains undisputed that the respondent was boarded out solely due to his disability, thereby bringing his case within the ambit of the policy decision of the Government of India, Ministry of Defence, Department of Ex-Servicemen Welfare, dated 16th July 2020, addressed to the Chiefs of the three armed forces.

09. A perusal of the said communication dated 16th July 2020 makes it abundantly clear that its provisions shall apply to all armed forces personnel who are in service on or after 4th January 2019, extending invalid pension even to those who are discharged on account of any bodily or mental infirmity that permanently incapacitates them from service prior to completing the qualifying service of 10 years, subject to prescribed conditions.

10. There is no dispute that the respondent was permanently incapacitated from continuing in Army service due to the medical condition developed during his tenure.

11. Furthermore, there is nothing on record to indicate that any competent medical authority ever declared the respondent fit for civil employment. Had he been found fit for duties of a civil nature, he would have been accommodated by the authorities against an alternative civil post within the organization.

12. Viewed from any perspective, the respondent's case is squarely covered by the policy communication dated 16th July 2020, upon which the Tribunal has rightly placed reliance.

13. Finding no merit in the present petition, the same is accordingly **dismissed.**

(M A CHOWDHARY)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR
31.10.2026
"Shaista-PS"

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