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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision : 13.01.2026+ **W.P.(C) 384/2026 CM APPL. 1848/2026****UNION OF INDIA & ORS.**

.....Petitioners

Through: Mr. Syed Abdul Haseeb, CGSC, Mr.
Amir Khan and Mr. Tanveer Z.,
Adv.

versus

WG CDR MAHAVIR SINGH RETD

.....Respondent

Through: Mr. Ravi Kumar, Adv.

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****MANMEET PRITAM SINGH ARORA, J. (ORAL)****CM APPL. 1849/2026(Exemption)**

1. Allowed, subject to just exceptions.
2. The application is disposed of.

W.P.(C) 384/2026 and CM APPL. 1848/2026

3. This is a petition filed under Article 226 of the Constitution of India against the order dated 19.05.2023 passed by the Armed Forces Tribunal Principal Bench, New Delhi ['Tribunal'] in O.A. No. 2854 of 2022, titled as '**WG CDR Mahavir Singh (Retd.) v. Union of India and Ors.**', wherein the respondent has been granted the benefit of the disability element of pension at 30% for Primary Hypertension, rounded off to 50% for life.
4. The facts giving rise to the present writ petition are briefly



summarized as under: -

- i. The respondent, WG Cdr Mahavir Singh (Retd.), was initially enrolled as an Airman in the Indian Air Force on 15.12.1979 in a fit medical category (A4G1) and later granted Branch Commissioning in the Administrative Branch, where he was again found medically fit. He retired from service on attaining the age of superannuation on 31.05.2017.
 - ii. At the time of retirement, the Release Medical Board [‘RMB’] found him suffering from Primary Hypertension, assessed at 30%, but opined that the disability was a lifestyle-related disease and neither attributable to nor aggravated by Air Force service [‘NANA’], with nil qualifying disability pension for life. In view of Regulation 37 of the Pension Regulations for the Air Force, 1961 (Part I), and the Medical Board’s clear opinion that the disability was NANA, respondent’s claim for disability pension was rejected vide letter dated 22.06.2017.
5. Thereafter, the respondent preferred a First Appeal on 27.09.2022, which was duly considered and rejected by the Appellate Committee of First Appeal vide letter dated 25.10.2022. Aggrieved thereby, the respondent filed O.A. No. 2854 of 2022 before the Tribunal. However, the Tribunal, vide impugned order dated 19.05.2023, held the respondent is entitled to disability element of pension at 30%, rounded off to 50%, with effect from the date of discharge, relying upon the judgment of the Supreme Court in **Dharamvir Singh v. Union of India**¹.
6. Being aggrieved by the impugned judgment, the petitioner has filed



the present writ petition.

7. Learned counsel for the petitioner contends that the impugned order is contrary to the statutory Entitlement Rules, 2008² governing grant of disability pension. He submits that the Tribunal proceeded on an outdated presumption of attributability and aggravation, ignoring the amended Entitlement Rules, 2008. He states that the impugned judgment is therefore *per incuriam*, as it fails to reconcile its conclusions with Rules 6, 10 and 11 of the Entitlement Rules, 2008.

8. He further states that the Tribunal completely overlooked the findings of the RMB which categorically held that the respondent's disability was NANA.

9. He contends that the Tribunal has misapplied and placed wrong reliance on judgments rendered under the Entitlement Rules, 1982³ particularly on the judgment of **Dharamvir Singh v. Union of India and Ors.** (supra), despite the fact that the said Rules stand superseded by the Entitlement Rules, 2008. He submits that the Tribunal thus erred in law by granting disability pension without establishing the mandatory nexus between service conditions and the disability.

10. Having perused the opinion of the RMB, we are unable to agree with the submission made by the learned counsel for the petitioner that the Tribunal committed any error in granting relief to this respondent for the reasons set out hereinafter.

11. In W.P.(C) 88/2026 titled **Union of India v. 781466 Ex. SGT Krishna Kumar Dwivedi**, decided by this Bench on 06.01.2026, our

¹ (2013) 7 SCC 361

² Entitlement Rules for Casualty Pensionary Awards to Armed Forces Personnel, 2008.



attention was drawn to the authoritative judgments of the coordinate Benches of this Court passed in **W.P.(C) 3545/2025** titled **Union of India v. Ex. Sub Gawas Anil Madso**⁴ and **W.P.(C) 140/2024** titled **Union of India vs. Col. Balbir Singh (Retd.) and other connected matters**⁵, which have conclusively held that even under Entitlement Rules, 2008 an officer who at the time of his release suffers from a disease and applies for disability pension within 15 years from release of service, is ordinarily entitled to disability pension and he does not have any onus to prove the said entitlement. The Entitlement Rules, 2008 however, contemplate that in the event the Medical Board concludes that the disease though contracted during the tenure of military service, was not attributable to or aggravated by military service, it would have to give cogent reasons and identify the cause, other than military service, to which the ailment or disability can be attributed. The judgments hold that a bald statement in the report holding NANA by observing that the onset of the disease was in a peace station would not be a valid ground for the Air Headquarters to deny the claim of disability pension. The burden to prove the disentanglement therefore remains on the Air Headquarters and the aforesaid judgments emphasise on the significance of the Medical Board giving specific reasons for denial of this beneficial provision to the officer. The judgments hold that the onus to prove a causal connection between disability and military service is not on the officer but on the administration.

12. It is also apposite to refer to the case of **Bijender Singh vs. Union of**

³ Entitlement Rules for Casualty Pensionary Awards, 1982.

⁴ 2025: DHC: 2021-DB

⁵ 2025: DHC: 5082-DB



India and Others⁶, wherein at paragraphs 45.1, 46 and 47, the Supreme Court opined as under:

*“45.1. Thus, this Court held that essence of the Rules is that a member of the armed forces is presumed to be in sound physical and mental condition at the time of his entry into the service if there is no note or record to the contrary made at the time of such entry. In the event of subsequent discharge from service on medical ground, any deterioration in health would be presumed to be due to military service. The burden would be on the employer to rebut the presumption that the disability suffered by the member was neither attributable to nor aggravated by military service. If the Medical Board is of the opinion that the disease suffered by the member could not have been detected at the time of entry into service, the Medical Board has to give reasons for saying so. This Court highlighted that the provision for payment of disability pension is a beneficial one which ought to be interpreted liberally. A soldier cannot be asked to prove that the disease was contracted by him on account of military service or was aggravated by the same. The very fact that upon proper physical and other tests, the member was found fit to serve in the army would give rise to a presumption that he was disease free at the time of his entry into service. For the employer to say that such a disease was neither attributable to nor aggravated by military service, the least that is required to be done is to **furnish reasons** for taking such a view.”*

46. Referring back to the impugned order dated 26.02.2016, we find that the Tribunal simply went by the remarks of the Invaliding Medical Board and Re-Survey Medical Boards to hold that since the disability of the appellant was less than 20%, he would not be entitled to the disability element of the disability pension. Tribunal did not examine the issue as to whether the disability was attributable to or aggravated by military service. In the instant case neither has it been mentioned by the Invaliding Medical Board nor by the Re-Survey Medical Boards that the disease for which the appellant was invalided out of service could not be detected at the time of entry into military service. As a matter of fact, the Invaliding Medical Board was quite categorical that no disability of the appellant existed before entering service. As would be evident from the aforesaid decisions of this Court, the law has by now crystalized that if there is no note or report of the Medical Board at the time of entry into service that the member suffered from any particular disease, the

⁶ 2025 SCC OnLine SC 895



*presumption would be that the member got afflicted by the said disease because of military service. **Therefore the burden of proving that the disease is not attributable to or aggravated by military service rest entirely on the employer.** Further, any disease or disability for which a member of the armed forces is invalided out of service would have to be assumed to be above 20% and attract grant of 50% disability pension.*

47. Thus having regard to the discussions made above, we are of the considered view that the impugned orders of the Tribunal are wholly unsustainable in law. That being the position, impugned orders dated 22.01.2018 and 26.02.2016 are hereby set aside. Consequently, respondents are directed to grant the disability element of disability pension to the appellant at the rate of 50% with effect from 01.01.1996 onwards for life. The arrears shall carry interest at the rate of 6% per annum till payment. The above directions shall be carried out by the respondents within three months from today.”

(Emphasis Supplied)

13. In this background of law settled vis-à-vis 2008 Entitlement Rules we have examined the facts of this case.

14. The relevant extract of the opinion of the RMB is as under:

OPINION OF THE MEDICAL BOARD				
1. Casual relationship of the disability with service conditions or otherwise:				
Disability	Attributable to service (Yes / No)	Aggravated by Service (Yes / No)	Not connected with service (Yes / No)	Reason/Cause specific conditions and period of service
Primary Hypertension (old) 110, 209 0	No	No	Yes	A lifestyle related disease Onset on 03 Nov 2004 while posted to Gwalior a peace station There is no close line association with stress & strain of field/HAACI ops of service Therefore disability is neither attributable nor aggravated by Military service in terms of para 43 of chapter VI of guide to Medical Officer (Military Pension) 2008)
Note: A disability not connected with service would be neither attributable nor aggravated by service (This is in accordance with instructions contained in "Guide to Medical Officers(Military Pension) 2008)				

15. The board has opined that the reason for the disease is lifestyle related disease; onset on 03.11.2004 while posted in Gwalior, a peace station; and on this basis it has concluded NANA.



16. The Tribunal has held that the respondent is entitled to disability element of pension in respect of his disability i.e., Primary Hypertension assessed at 30% rounded off to 50% for life.

17. The petitioner does not dispute the disability of the respondent, which is borne out from the medical record.

18. The respondent was enrolled as an Airman in the Indian Air Force on 15.12.1979 and the disease was admittedly discovered on 03.11.2004, when the respondent was serving. The respondent superannuated from service on 31.05.2017, and therefore the disease has indisputably arisen during his military service. The medical board has recorded that it is a 'lifestyle related disease', and its onset in 2004 was when the Respondent was posted at 'peace station' and thus concluded that the military service is not the cause of the said disease. The reason of 'peace station' have been examined and rejected by the Coordinate benches in both **Ex. Sub Gawas Anil Madso**⁷ (supra) and **Col. Balbir Singh (Retd.)**⁸ (supra) to hold that this is not a valid ground to deny the causal connection of military service and the disease. So also, merely recording 'lifestyle related disease' has been found to be insufficient and not a valid ground for denying causal connection in **Col. Balbir Singh (Retd.)**⁹ (supra).

19. If no other causal connection for the disease has been found to exist by RMB, the plea of disability pension cannot be rejected by the Air Headquarters and the respondent would be entitled to disability pension. (Re: **Dropadi Tripathi v. Union of India**¹⁰).

⁷ At paragraph 82 to 84

⁸ At paragraph 70

⁹ At paragraph 71

¹⁰ 2025: DHC: 8709-DB at paragraphs 13 and 14



20. The RMB in its findings has not ascertained and identified a cause, other than military service to which the disease can be attributed.

21. At this juncture it would be pertinent to refer to the judgment of the coordinate Bench of this Court in **Union of India v. Col. Balbir Singh (Retd.)** (supra), wherein the Court emphasised the significance of the RMB recording clear and cogent reasons for denying the entitlement of disability pension to the officer. The relevant paragraphs of the said judgment are as under: -

*“50. In this regard, it is further relevant to note the observations of the Supreme Court in the **Rajumon T.M. v. Union of India &Ors.**, 2025 SCC OnLine SC 1064, the relevant portions of which reads as under:*

“

25. We, therefore, hold that if any action is taken by the authority for the discharge of a serviceman and the serviceman is denied disability pension on the basis of a report of the Medical Board wherein no reasons have been disclosed for the opinion so given, such an action of the authority will be unsustainable in law.”

51. In view of the above, it is essential for the Medical Boards to record and specify the reasons for their opinion as to whether the disability is to be treated as attributable to or aggravated by military service, especially when the pensionary benefits of the Force personnel are at stake.

.....

53. Particularly in this milieu, it is of paramount importance that Medical Boards record clear and cogent reasons in support of their medical opinions. Such reasoning would not only enhance transparency but also assist the Competent Authority in adjudicating these matters with greater precision, ensuring that no prejudice is caused to either party.

.....

56. It must always be kept in view that the Armed Forces personnel, in defending this great nation from external threats, have to perform their duties in most harsh and inhuman weather and conditions, be it on far-flung corner of land, in terrains and atmosphere where limits



of mans survival are tested, or in air or water, where again surviving each day is a challenge, away from the luxury of family life and comforts. It is, therefore, incumbent upon the RMB to furnish cogent and well-reasoned justification for their conclusions that the disease/disability suffered by the personnel cannot be said to be attributable to or aggravated by such service conditions. This onus is not discharged by the RMB by simply relying on when such disability/disease is noticed first.

.....
77. Thus, in view of the above, the RMB must not resort to a vague and stereotyped approach but should engage in a comprehensive, logical, and rational analysis of the service and medical records of the personnel, and must record well-reasoned findings while discharging the onus placed upon it.

(Emphasis Supplied)

22. In view of the aforesaid findings, the petitioner's challenge to the grant of disability pension is without any merits. As held above, the report of the RMB fails to give any cogent reasons for opining that the disease is not attributable to the military service and the respondent has therefore, been rightly held entitled to disability element of pension as per Entitlement Rules, 2008.

23. We therefore find no merit in this petition, the same along with the pending application is dismissed.

24. No costs.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

JANUARY 13, 2026/AM