



2026:DHC:1543-DB



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

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Date of Decision : 19.02.2026

+ W.P.(C) 1013/2026 CM APPL. 4911/2026

UNION OF INDIA THROUGH SECRETARY & ORS.

.....Petitioner

Through: Mr. Abhishek Yadav, SPC.

versus

681464 EX JWO HAREKRUSHNA SAHOO

.....Respondent

Through: Mr. Kritendra Tiwari, Adv.

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****MANMEET PRITAM SINGH ARORA, J. (ORAL)****W.P.(C) 1013/2026 CM APPL. 4911/2026**

1. This is a writ petition filed under Article 226 of the Constitution of India against the order dated 13.04.2023 ['impugned order'] passed by the Armed Forces Tribunal Principal Bench, New Delhi ['Tribunal'] in Original Application ['O.A.'] No. 1655/2021 titled as **Ex JWO Harekrushna Sahoo v. Union of India & Ors.**, wherein the Respondent has been granted the benefit of the disability element of pension for Primary Hypertension assessed at 30% for life, rounded off to 50% for life, from the date of his discharge from the service i.e., 31.01.2020.

2. The facts giving rise to the present petition are that the Respondent



was discharged from the service on 31.01.2020 under the clause ‘on attaining the age of superannuation’.

3. The Release Medical Board [‘RMB’] held on 03.03.2019 assessed the disability i.e., Primary Hypertension at 30% for life. The RMB opined that since the onset of the disease was at the time when the Respondent was serving at the peace station i.e., in November 2010 at Bangalore, the aforesaid disability was neither attributable to nor aggravated [‘NANA’] by the military service.

4. The Respondent’s claim of disability pension was rejected by the Petitioners vide letter dated 11.12.2019 and the same was communicated to the Respondent vide letter dated 13.01.2020. It is stated that an appeal filed by the Respondent was also rejected.

5. In these facts, the Respondent filed O.A. No. 1655 of 2021 before the Tribunal for the grant of disability element of pension. The RMB assessed that the Respondent suffering from two ailments, however, in the O.A., the Respondent only prayed for disability pension pertaining to one ailment i.e., Primary Hypertension. By the impugned order, the Tribunal after referring to the judgments of the Supreme Court in **Dharamvir Singh v. Union of India and Ors.**¹ and **Union of India v. Ram Avtar**² granted the relief of disability pension to the Respondent.

6. The only submission made by the learned counsel for the Petitioners is that the reliance placed by the Tribunal on the judgment of **Dharamvir Singh v. Union of India and Ors.** (supra) is totally misplaced as in the said case the Supreme Court was concerned with the Entitlement Rules for

¹ 2013 (7) SCC 361

² 2014 SCC OnLine SC 1761



Casualty Pensionary Awards, 1982 [‘Entitlement Rules, 1982’], whereas the case of the Respondent needs to be considered under the Entitlement Rules for Casualty Pensionary Awards to Armed Forces Personnel, 2008 [‘Entitlement Rules, 2008’].

6.1. He contends that the Tribunal has overlooked the Entitlement Rules, 2008, which govern attributability and aggravation and no longer permit a blanket presumption in favour of the claimant/officer; and since the RMB has opined the disease to be NANA, the Tribunal could not have presumed a causal connection between the disease and the service. He states in the facts of this case, Respondent was discharged from services on 31.01.2020 and therefore, the Respondent would be governed by Entitlement Rules, 2008. He states that the impugned order incorrectly applies the presumption under the repealed Entitlement Rules, 1982, ignoring the amended regime under Entitlement Rules, 2008. He states that the Entitlement Rules, 2008, have done away with the general presumption to be drawn to ascertain the principle of ‘attributable to or aggravated by military service’.

7. Having perused the reasons for NANA recorded in the opinion of the RMB, we are unable to agree with the submissions made by the learned counsel for the Petitioners that the Tribunal committed any error in granting relief to this Respondent.

8. In another petition, i.e., 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 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 Madso³ and W.P.(C) 140/2024 titled Union of India vs. Col. Balbir Singh (Retd.) and other connected matters⁴, which have conclusively held that even under Entitlement Rules, 2008 an officer, who suffers from a disease at the time of his release 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 judgments emphatically hold that even under the Entitlement Rules, 2008, the onus to prove a causal connection between the disability and military service is not on the officer but on the administration. 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 NANA 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 of the Medical Board opining ‘ONSET IN PEACE STATION’ would not be sufficient for the military department to deny the claim of disability pension; and rejected the opinions of the Medical Board. The judgments hold that the burden to prove the disentitlement of pension therefore remains on the military department even under the Entitlement Rules, 2008; and emphasise on the significance of the Medical Board giving specific reasons to justify their opinion for denial of this beneficial provision to the officer.

9. For reference, we also note that the Supreme Court in its recent

³ 2025: DHC: 2021-DB

⁴ 2025: DHC: 5082-DB



judgment in the case of **Bijender Singh vs. Union of India**⁵ has reiterated that it is incumbent upon the Medical Board to furnish cogent reasons for opining that a disease is NANA and the burden to prove the absence of causal connection is on the Military Establishment.

The distinction between conclusion and reasons has been succinctly explained by the Supreme Court in another recent decision of **Rajumon T.M. v. Union of India**⁶ to state that merely stating an opinion/conclusion, such as ‘CONSTITUTIONAL PERSONALITY DISORDER’ without giving reasons or causative factors to support such an opinion, is an unreasoned medical opinion. The Court explained that the said opinion of the Medical Board was merely a conclusion and would not qualify as a reasoned opinion for holding the disease/disability to be NANA.

10. In this background of settled law holding that the onus to prove disentitlement remains heavy on military establishment vis-à-vis Entitlement Rules, 2008, we have examined the facts of this case and the RMB.

11. The Respondent was enrolled in the Indian Air Force on 25.08.1982 and the disease/disability of Primary Hypertension was discovered in the year 2010 [after 28 years of service], while he was serving and therefore, the disease has indisputably arisen during his military service. The Respondent was discharged from service on 31.01.2020, on attaining the age of superannuation with permanent low medical category A4G4(P).

12. The Petitioners have raised the issue of non-entitlement of the disability element of the pension only on the ground that the Medical Board has held that the disease is NANA by the military service. The opinion

⁵ 2025 SCC OnLine SC 895 at paragraphs 45.1, 46 and 47

⁶ 2025 SCC OnLine SC 1064 at paragraphs 25, 26, 32 and 36



rendered by the RMB is extracted as under: -

PART-V
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.
(i) Type-II Diabetes Mellitus (ICD No. E11.0, Z 09.0)	No	No	Yes	Onset: Nov 2010 at Bangalore (Peace):- Onset occurred while serving in peace area, there is no connection with combat areas including CI Ops area, HAA service. MT accidents or Flying accidents \ and not due to stress & Strain of service. No delay in diagnosis. Hence. Not attributable to service and not aggravated by service as per para 26 of chapter VI of GMO (MP) 2008.
(II) Primary Hypertension (ICD No. 1 10.0, Z 09.0)	No	No	Yes	Onset: Nov 2010 at Bangalore (Peace) :- onset occurred while serving in peace; area. there is no connection with combat areas including CI Ops area, HAA service, MT accidents or Flying accidents and not due to stress & Strain of service. No delay in diagnosis. Hence. Not attributable to service and not aggravated by service as per para 43 of chapter VI of GMO (MP) 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).

The second row pertaining to Primary Hypertension is relevant for this



judgment.

13. The Petitioners contend that disease is NANA since the onset of the disease was at a peace station and that there was no stress of the military service.

This precise reason has been specifically rejected by the coordinate Bench of this Court in **Col. Balbir Singh (Retd.)** (supra)⁷ while granting disability pension to the officer suffering from Primary Hypertension. This reason has been held by the Division Bench to be an invalid ground for denying attributability to the military service. The Court in the said decision after taking note of Regulation 423(a) of the Regulations for the Medical Services of the Armed Forces, 2010 held that the fact that the disability occurred in normal peace conditions is immaterial and by itself is not sufficient to deny disability pension to the officer. Therefore, the reliance placed by the petitioners on the aforesaid reasoning in the RMB does not constitute a valid ground for denying disability pension.

14. No other ground has been cited in the RMB for opining NANA.

In fact, the RMB herein categorically records in response to the question no. 2 that the Respondent did not have this disability before entering into service and also to the response of question no. 5 (a) and (b) that the disability is not attributable to the officer's own negligence or misconduct⁸.

15. In these facts, since no other causal connection for the disease has been found to exist by the RMB, the Respondent's claim of disability pension has been wrongly rejected by the Military establishment.

⁷ At paragraph nos. 66 to 74

⁸ Internal page 5 of the RMB; page 98 of paper-book.



16. It is pertinent to note that in the impugned order at paragraph 4, the Tribunal categorically observed that peace stations have their own pressure of rigorous military training and associated stress and strain of the service. It was also noted that most of the personnel of the armed forces have to work in the stressful and hostile environment, difficult weather conditions and under strict disciplinary norms. This finding of the Tribunal is in conformity with the law laid down by the Division Bench in **Col. Balbir Singh (Retd.)** (supra).

17. In view of the aforesaid findings, the Petitioners' challenge to the grant of disability element of pension to the Respondent, is without any merits. The Respondent has been rightly held to be entitled to the disability pension under the Entitlement Rules, 2008 by the Tribunal in the impugned order.

18. We therefore find no merit in this petition; the petition is dismissed. Pending application disposed of. No costs.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

FEBRUARY 19, 2026/AM/hp