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

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Date of Decision : 17.02.2026+ **W.P.(C) 1751/2026****UNION OF INDIA AND ORS****.....Petitioners**Through: **Ms. Akanksha Singh, Adv.**

versus

680883 EX JWO SUKHMAIL SINGH**.....Respondent**Through: **Mr. Baljeet Singh, Mrs. Deepika Sheoran and Mr. Ashish Sheoran, 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. 8543/2026(Exemption)**

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

W.P.(C) 1751/2026 & CM APPL. 8542/2026

3. This is a writ petition filed under Article 226 of the Constitution of India against the order dated 14.07.2023 [‘impugned order’] passed by the Armed Forces Tribunal, Principal Bench, New Delhi [‘Tribunal’] in Original Application [‘O.A.’] No. 1667 of 2019 titled as **Ex JWO Sukhmail Singh v. Union of India & Ors.**, wherein the Respondent has been granted the benefit of the disability element of pension for Non-Insulin Dependent Diabetes Mellitus (Old) Z09.0 [‘NIDDM’] assessed at 20% for life, rounded



off to 50% for life, from the date of his discharge from the service.

4. The facts giving rise to the present petition are that the Respondent retired from the service on 14.10.2007 under the clause 'at his own request'. The Release Medical Board ['RMB'] held on 12.10.2007, assessed his disability i.e., NIDDM at 15-19% for life and composite disablement for all disabilities (which included cataract in both eyes) assessed at 30 % for life. The RMB opined that the disease/disability of NIDDM is constitutional in nature, therefore, the aforesaid disability is neither attributable to nor aggravated ['NANA'] by the military service.

5. The Respondent's claim of disability pension was rejected vide letter dated 21.07.2010, stating that as the disability was opined NANA by the service. The Respondent then preferred First Appeal on 04.01.2018 and a Second Appeal dated 18.07.2018, which were also rejected.

6. The Respondent filed O.A. No. 1667 of 2019 before the Tribunal for the grant of disability element of pension.

7. By the impugned order, the Tribunal while 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.

7.1. The Tribunal also referred to the judgement of the Supreme Court in **Commander Rakesh Pande v. UOI & Ors**³, wherein the officer therein was suffering from NIDDM and Hyperlipidaemia, the grant of disability pension for life at 20% broad banded to 50% for life was upheld by the

¹ 2013 (7) SCC 361

² 2014 SCC Online SC 1761

³ Civil Appeal No(s) 5970/2019



Supreme Court⁴.

8. The submissions 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 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 She contends that the Tribunal has overlooked the Entitlement Rules, 2008, which governs attributability and aggravation and no longer permit a blanket presumption in favour of the claimant/officer and since the RMB has opined the diseases to be NANA, the Tribunal could not have presumed a causal connection between the disease and the service.

6.2 She states in the facts of this case, Respondent retired on 14.10.2007 and therefore, the Respondent would be governed by Entitlement Rules, 2008. She states that the impugned order incorrectly applies the presumption under the repealed Entitlement Rules, 1982, ignoring the amended regime under Entitlement Rules, 2008.

6.3 She 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'.

9. Having perused the reasons 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

⁴ At paragraph 10 of the impugned order.



Respondent.

10. In the facts of the present case, the Respondent retired on 14.10.2007 and consequently his claim for disability pension would admittedly be governed by Entitlement Rules, 1982. Therefore, the submission of the Petitioner that the governing Rules applicable to the Respondent's claim are Entitlement Rules, 2008, is factually incorrect. Thus, the reliance placed by the Tribunal on the judgments of **Dharamvir Singh** (supra), **Ram Avtar** (supra) and **Commander Rakesh Pande** (supra) is apposite, as there is a presumption in favour of the Respondent that he was in sound physical and mental condition at the time of enrolment since no physical disability is noted or recorded at the time of his entry into service.

11. Separately as regards Entitlement Rules, 2008, the coordinate Bench of this Court in **Union of India v. Ex. Sub Gawas Anil Madso**⁵ and **Union of India vs. Col. Balbir Singh (Retd.)**⁶, has after examining the Entitlement Rules, 2008 held that even under these Rules, the onus to prove causal connection between the disease continues to remain with the military establishment and the officer cannot be disentitled to the claim of disability pension unless the Medical Board records cogent reasons identifying causative factors leading to the disability.

12. We also take note of a recent decision of the Supreme Court in the case of **Bijender Singh vs. Union of India**⁷ pertaining to disability pension which 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 causal connection is on the Military Establishment.

⁵ 2025: DHC: 2021-DB

⁶ 2025: DHC: 5082-DB



The requirement of cogent reasons to be recorded by the Medical Board while determining aggravation and attributability has been succinctly explained by the Supreme Court in another recent decision of **Rajumon T.M. v. Union of India**⁸. In the said decision the Supreme Court held that merely stating an opinion in the RMB, that the disease is ‘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 in the RMB was merely a conclusion and would not qualify as a reasoned opinion for holding the disease to be NANA.

13. The law is therefore well settled on the issue that onus to prove disentitlement remains with military establishment both under the Entitlement Rules, 1982 as well as Entitlement Rules, 2008.

14. We have examined the facts of this case and the RMB placed on record.

15. The Respondent was enrolled in the Indian Air Force on 20.08.1982 and the disease/disability of NIDDM was discovered in the year 1997 [after 15 years of service], while he was posted to 35 Wg. AF, Suratgarh therefore, the disease has indisputably arisen during his military service. The Respondent was discharged from service on 14.10.2007, as the RMB recommended his release on account of his low medical category A4G2(P) after completing 25 years, 2 months and 11 days of service.

16. The Petitioners have raised the issue of non-entitlement of the disability element of the pension solely on the ground that the Medical

⁷ 2025 SCC OnLine SC 895 at paragraphs 45.1, 46 and 47

⁸ 2025 SCC OnLine SC 1064 at paragraphs 25, 26, 32 and 36



Board has held that the disease is NANA by the military service. The opinion rendered by the RMB is extracted as under:

OPINION OF THE MEDICAL BOARD

1. Casual relationship of the Disability with service conditions or otherwise.				
Disability	Attributable To service (Y/N)	Aggravated by service (Y/N)	Not connected with service (Y/N)	Reason/ cause/specific condition and period in service
(i) CATARACT (RT) EYE OPTD (OLD) 209.0.	NO	NO	Yes	Disability is constitutional in nature.
(ii) CATARACT (LT) EYE OPTD (OLD) 209.0.	NO	NO	Yes	Disability is constitutional in nature.
(iii) NIDDM (OLD) 209.0.	NO	NO	Yes	Disability is constitutional in nature.
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Note: A disability 'Not connected with service' would be neither Attributable nor Aggravated by service. (This is in accordance with the instructions contained in 'Guide to Medical Officers (JMA Pension)-2002.				

17. The Petitioners contend that the disease/disability of NIDDM is constitutional in nature and that there was no stress of the military service. As is evident, no causative factors for holding the disease constitutional has been enlisted in the RMB. The opinion in the RMB relied upon by the Petitioners in these proceedings fails the test of a reasoned opinion as stipulated in the aforesaid judgments of the Supreme Court and Division Bench of this Court.

18. The RMB categorically records in response to the question no. 2 that the disability did not exist in the Respondent before he entered the military service and in response to the question no. 5 (a) and (b) that the disability is not attributable to the officer's own negligence or misconduct, at internal page 5 of the RMB⁹. It is thus evident that the disease of NIDDM was indisputably contracted during military service and the Respondent is not

⁹ Page 77 of the paper-book



responsible of any negligence leading to the causation of the said disease.

19. In these facts, the opinion in the RMB for holding NANA and the Petitioner's decision denying disability pension has been rightly rejected by the Tribunal.

Since no other causal connection for the disease has been found to exist by the Medical Board, the plea of disability pension has been wrongly rejected by the Military establishment.

20. The Tribunal at paragraph 10 of the impugned order assessed the disability of NIDDM at 20% on the basis of the MOD letter dated 20.12.2012 and Petitioner's letter dated 12.05.2023, to conclude that as far as the disability of NIDDM is concerned, the minimum assessment of the disability cannot be assessed at less than 20%. We note that the said finding of the Tribunal has not been impugned before us in this writ petition.

21. In view of the aforesaid findings, the Petitioners' challenge to the grant of disability element of pension to the Respondent by the Tribunal, is without any merits. The Respondent has been rightly held to be entitled to the disability pension.

22. We therefore find no merit in this petition; the petition is dismissed. Pending application(s), if any, stand dismissed. No costs.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

FEBRUARY 17, 2026/IB