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

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Date of Decision : 09.01.2026

+ **W.P.(C) 306/2026, CM APPL. 1415-16/2026**

UNION OF INDIA & ORS.

.....Petitioners

Through: Dr. B. Ramaswamy, CGSC

versus

(673105) EX MWO SUHENDRA PAL CHAUHAN

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO, J. (ORAL)

1. This petition filed under Article 226 of the Constitution lays a challenge to the impugned order dated 21.07.2023 passed by the Armed Force Tribunal, Principal Bench, New Delhi (AFT) in Original Application No.1365/2019 whereby the AFT has allowed the aforesaid OA filed by the respondent herein for grant of disability element of pension for the disability of Diabetes Mellitus @ 20% for life.

2. The facts to be noted are the respondent herein was enrolled in the Indian Air Force on 21.04.1981. He was discharged from the service on 31.03.2019 on superannuation in the rank of MWO after rendering the 38 years of service. At the time of his retirement he was subjected to a Release Medical Board (RMB) and appeared on 12.06.2018, which found him to be suffering with disabilities (i) Diabetes Mellitus Type-II (old), and (ii) Severe head injury (optd) Old and both assessed @ 20% for life each, with composite assessment for both disabilities @40% for life.



3. Suffice to state that during the course of hearing before the AFT, the respondent had confined his prayer for disability element of pension in relation to disability of Diabetes Mellitus Type-II. The prayer made in relation to Severe Head Injury (optd) Old was not pressed.

4. The AFT *vide* the impugned order held as under:-

“14. Though according to the respondents the disability of Diabetes Mellitus Type 2 had its onset in a peace area in March 2008 at Jamnagar, as per the posting profile of the applicants in the RMB dated 12.06.2018 which is signed by all, it cannot be overlooked that this was so after a period of 28 years of Military Service, in his ninth posting. Thus the aspect of cumulative stress and strain during military service, due to the hostile environment, difficult weather conditions and strict disciplinary norms under which Armed Forces Personnel work has to be taken into account and has been so taken into account in a catena of verdicts of this Tribunal, the Respondents have thus been unable to refute the contention of the applicant that the cumulative stress and strain of military service, resulted into the disabilities of Type-II Diabetes Mellitus that he suffers from. Thus in term of Para 26 of the GMO (MP) 2008 itself in the facts of the instant case the disability of diabetes mellitus has to be due to the precipitative stress and strain because of service rendered and has to be held to be attributable to service.

CONCLUSION

15. Thus, the OA 1365/2019 is allowed and the applicant is held entitled to the grant of the disability element of pension for the disability of Diabetes Mellitus (a) 20% for life, which in terms of the verdict the Hon'ble Supreme Court of India in Civil Appeal 418/2012 dated 10.12.2014 titled as UOI & Ors. Vs. Ramavtar, is rounded off to 50% for life from the date



of discharge.

16. The respondents are directed to calculate, sanction and issue the necessary Corrigendum PPO to the applicant within three months from the date of receipt of the copy of this order and in the event of default, the applicant shall be entitled to the interest @6% per annum till the date of payment.”

5. The RMB has opined in relation to the disabilities with service condition or otherwise in the following manner:-

PART-IV

STATEMENT OF CASE

1. Chronological list of the disabilities.			
Disabilities	Date of Origin	Rank of Individual	Place and Unit where serving at the time
(I) DM Type-2 (old)	Mar/2008	WO	28 SQN Jamnagar
(II) Severe Head Injury (old)	18.04.2008	WO	28 SQN Jamnagar

2. Clinical detail. Attach clinical summary here giving the salient facts of:-

- (a) Personal and relevant family history
(b) Specialist report
(c) Treatment
(d) Present condition in detail.
- } attached

Note: Insert the clinical summary sheet between page 4 & 5, without any folds. No part of the sheet attached should protrude out of the form.

PART - V

OPINION OF THE MEDICAL BOARD
(Not to be communicated to the individual)

1. Causal 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) DM-Type-II(old)	NO	NO	YES	As per Para 28 chap-VI of GdMO (Mil Pen-2000) (It is a life style disorder. Onset in peace, no delay in diagnosis/treatment. No close time association with CIOPSH/AA/ Field area. Hence NANA)
(II) Severe Head Injury (old/old)	NO	NO	YES	As per injury report dated 30.07.08

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 Officer (Mil Pension)-2002")



6. It was the case of the respondent that onset of disability on account of disease of Diabetes Mellitus Type-II, was in March 2008 at Jamnagar, where he had worked hard to fulfil the emergent /operational requirements which were very strenuous and stressful, attributable to or aggravating the disability.

7. On the other hand, the petitioners herein have contested the OA filed by the respondent by stating that the respondent is not entitled to disability element of pension as the disability on account of Diabetes Mellitus Type-II is neither attributable nor aggravated by the military service.

8. We have already reproduced the reasons and conclusion drawn by the AFT that the disability of Diabetes Mellitus Type-II has to be due to the stress and strain because of service rendered and has to be held to be attributable to service.

9. It is the submission of the learned counsel for the petitioners that the reliance placed by the AFT on the judgment in the case of ***Dharamvir Singh v. Union of India & Ors., 2013 (7) SCC 361***, is totally misplaced as in the said case, the Supreme Court was concerned with the Entitlement Rules for Casualty Pensionary Awards, 1982; whereas the case of the respondent needs to be considered under the Entitlement Rules for Casualty Pensionary Awards to Armed Forces Personnel, 2008. He stated that the AFT has overlooked the later 2008 Rules which govern the attributability / aggravation and no longer permit a blanket presumption in favour of the claimant. In the present case, the respondent having retired in the year 2019, therefore, his case would be governed under the 2008 Entitlement Rules.



Hence, the general presumption to be drawn in order to ascertain the principle of attributable to or aggravated by the military service has been done away with.

10. We may note that the law governing disability pension is crystallised in *UOI v. Ex Sub Gawas Anil Madso 2025 SCC OnLine Del 2018*, *Dharamvir Singh v. Union of India (2013) 7 SCC 316*, *Bijender Singh v. Union of India 2025 SCC OnLine SC 895* and *Union of India v. Balbir Singh, WP (C) 140/2024*.

11. In *Gawas Anil Madso(supra)*, it was held that the RMB is mandated to identify the cause for ailment in cases where applicant was not suffering from the same at the time of entry into service in order to justify that the ailment is not attributable to military service. In the case in hand, the RMB though has not stated that the disability is attributed to the military service, it has also not related the disability to any other cause.

12. We have reproduced and perused the opinion of the RMB and agree with the conclusion drawn by the AFT. It has not committed any error in granting the relief to the respondent.

13. The AFT has held that the respondent is entitled to disability element of pension on account of Diabetes Mellitus Type-II at 20% for life. The petitioners have only raised the issue of non-entitlement of the disability pension on the ground that RMB has held that the disease is not attributable to or aggravated by military service.

14. This Court has perused the rejection letter dated 31.01.2019 and the



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letter merely refers to the RMB proceedings for rejecting the respondent's claim for disability pension.

15. In the absence of any cogent reasons recorded by the RMB for its decision, it must be presumed that the disease is attributable to or aggravated by military service and the AFT was justified in granting the relief.

16. In view of the aforesaid discussion, we hold that the present petition is without any merit and liable to be dismissed. We order accordingly. The pending applications are also dismissed as having become infructuous.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JANUARY 09, 2026

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