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

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Date of Decision : 30.01.2026

+ W.P.(C) 1327/2026 CM APPL. 6470/2026 CM APPL. 6471/2026
UNION OF INDIA & ORS.Petitioners
Through: Mr. Ramjee Pandey, SPC

versus

JWO BRIJESH SINGH PANWAR (RETD)Respondent
Through: Mr. Praveen Kumar, Adv.
Ms. Prachi Payal, 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. 6471/2026 (for exemption)

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

W.P.(C) 1327/2026

3. This is a writ petition filed under Article 226 of the Constitution of India against the order dated 19.07.2023['impugned order'] passed by the Armed Forces Tribunal, Principal Bench, New Delhi ['Tribunal'] in Original Application ['O.A.'] No. 1369/2020 titled as **MWO Brijesh Singh Pawar (Retd.) v. Union of India & Ors.**, wherein the Respondent has been granted the benefit of the disability element of pension for Primary Hypertension



(old) assessed at 30% for life and Diabetes Mellitus Type II assessed at 20% for life, rounded off to 50% for life, from the date of his retirement from the service i.e., 30.09.2018.

4. The facts giving rise to the present petition are that the Respondent was retired from the service on 30.09.2018 under the clause 'on superannuation on fulfilling the condition of enrolment after rendering a total of 35 years and 113 days of regular service'. The Release Medical Board ['RMB'], held on 14.11.2017, assessed his disabilities i.e., (a) Primary Hypertension at 30% for life and (b) Diabetes Mellitus Type II at 20% for life with composite assessment for both IDs at 40% for life.

5. The RMB opined that since the onset of the diseases was at the time when the Respondent was serving at the peace station i.e., in October 2005 at Air Force Station, Jammu; that the disease of Primary Hypertension was due to the lifestyle disorder; that the disease of Diabetes Mellitus Type II is a metabolic disease, therefore, the aforesaid disabilities were neither attributable to nor aggravated ['NANA'] by the military service.

6. The Respondent's claim of disability pension was rejected by the Petitioner vide letter dated 10.10.2018, as the disability was opined NANA by the service. The Respondent's first appeal challenging the said refusal, was rejected on 06.12.2019.

7. The Respondent filed O.A. No. 1369/2020 before the Tribunal for the grant of disability element of pension.

8. 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

¹ 2013 (7) SCC 361



and **Union of India v. Ram Avtar**² granted the relief of disability pension to the Respondent.

9. 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 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'].

9.1 He 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 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. He states in the facts of this case, Respondent retired on 30.09.2018 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'.

10. Having perused the reasons recorded in the opinion of the RMB, we are unable to agree with the submission made by the learned counsel for the

² 2014 SCC Onl ine SC 1761



Petitioners that the Tribunal committed any error in granting relief to this Respondent.

11. 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 Madso**³ and W.P.(C) 140/2024 titled **Union of India vs. Col. Balbir Singh (Retd.) and other connected matters**⁴, 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' or 'LIFESTYLE DISORDER' would not be sufficient for the military department to deny the claim of disability

³ 2025: DHC: 2021-DB

⁴ 2025: DHC: 5082-DB



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.

1. For reference, we also note that the Supreme Court in its recent judgment in the case of **Bijender Singh vs. Union of India**⁵ has reiterated that it is incumbent upon the Medical Board to furnish reasons for opining that a disease is NANA and the burden to prove the same is on the Military Establishment. The reasons to be recorded by the Medical Board 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, 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 to be NANA.

12. In this background of law settled with respect to onus remaining on military establishment vis-à-vis Entitlement Rules, 2008, we have examined the facts of this case. The opinion in the RMB relied upon by the petitioner in these proceedings similarly fails the test of a reasoned opinion as stipulated in the aforesaid judgments of the Supreme Court and this Court.

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



13. The Petitioners have only raised the issue of non-entitlement of the disability element of the pension on the ground that the Medical 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 (Not to be communicated to the individual)				
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
Primary Hypertension (Old) I-10.0, Z-09.0	NO	NO	YES	As per Para 43 of Chap-VI of GMD (Mil Pen)-2008 [It is a life style disease. Onset in peace, no delay in diagnosis/ treatment. No close time association with CIOPS/ HAA/ Field area. Hence NANA]
Diabetes Mellitus Type 2 (Old) E 11.0, Z-09.0	NO	NO	YES	As per Para 28 of Chap-VI of GMD (Mil Pen)-2008 [It is a metabolic disease. Onset in peace Individual, no delay in diagnosis/treatment. No close time association with CIOPS/HAA/ Field area. Hence NANA]
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)				

14. The Respondent was enrolled in the Indian Air Force on 10.06.1983 and the disease/disability Primary Hypertension and Diabetes Mellitus Type II was discovered in the year 2005 [after 22 years of service], while he was serving at peace station and therefore, the disease has indisputably arisen during his military service. The Respondent admittedly did not suffer any disability before joining the armed forces. The Respondent was discharged from service on 30.09.2018, as the RMB recommended his release on account of his low medical category A4G4(P).

15. The Petitioners contend that the onset of the disease was at a peace station and that there was no stress of the military service; and the disease was due to the lifestyle disorder; and is a metabolic disease. These precise



reasons have been specifically rejected by the coordinate Bench of this Court in **Col. Balbir Singh (Retd.)** (supra)⁷ and **Anil Madso** (supra)⁸ and have been held to be invalid grounds for denying attributability to the military service.

In fact, in another judgment, the coordinate Bench of this Court in **Union of India and Others v. Col. Koutharapu Srinivasa Retd.**⁹, has held that referring a disease as lifestyle disorder will not prove/confirm that the disease was not attributable to military service. The Court opined that in case the lifestyle of the officer is the cause of the disease, the medical opinion must reflect the causative lifestyle factors (i.e., enlist the reasons for such an opinion).

16. In the present case, the RMB has merely classified the Respondent's disease of Primary Hypertension as a lifestyle disorder and the Respondent's disease of Diabetes Mellitus Type II is a metabolic disease. The RMB says nothing about the specific lifestyle factors of the Respondent, which led to the cause of the disease. So also, it fails to enlist the reasons for opining that it is a metabolic disease in the case of this officer.

In contra-distinction, the RMB herein categorically records in response to the question no. 2 that the disability did not exist before the Respondent entered military service and in response to 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 RMB¹⁰. The answers to this question

⁷ At paragraph nos. 66 to 74

⁸ At paragraph nos. 82 to 84

⁹ 2025 SCC OnLine Del 4292 at paragraphs 5 and 16

¹⁰ Page 94 of the paper-book



show that the opinion of the Medical Board that it is a lifestyle disorder is a conclusion, which is negated and even otherwise not substantiated by any reasons.

17. In these facts, since no other causal connection for the diseases has been found to exist by the Medical Board, the plea of disability pension has been wrongly rejected by the Military establishment.

18. 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 under the Entitlement Rules, 2008.

19. We therefore find no merit in this petition; the petition is dismissed.
No costs.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

JANUARY 30, 2026/IB