



\$~25

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision : 13.02.2026

+ **W.P.(C) 2069/2026 CM APPL. 10126/2026 CM APPL. 10127/2026**

UNION OF INDIA & ORS.

.....Petitioners

Through: Mr. Piyush Gupta CGSC, Mr.
Atishay Jain, Ms. Komal, Advs.
Major Kanika Sharma

versus

COL BHAJAN SINGH BISHT(RETD)

.....Respondent

Through: Ms. Pallavi Awasthi, Ms. Vaibhavi
Mittal, Advs.

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****MANMEET PRITAM SINGH ARORA, J. (ORAL)**

1. This is a writ petition filed under Article 226 of the Constitution of India against the order dated 24.09.2024 ['impugned order'] passed by the Armed Forces Tribunal, Principal Bench, New Delhi ['Tribunal'] in Original Application ['O.A.'] No. 845/2019 titled as **Col Bhajan Singh Bisht (Retd) vs Union Of India & Ors**, wherein the Respondent has been granted the benefit of the disability element of pension for PRIMARY OPEN ANGLE GLAUCOMA, both eyes assessed at 40% for life, rounded off to 50% for life, from the date of his discharge from the service i.e., 31.10.2014.
2. The facts giving rise to the present petition are that the Respondent



was commissioned in the Army on 11.06.1988 and was discharged from the service on 31.10.2014. The Release Medical Board [‘RMB’], held in May 2014, assessed his disabilities, i.e., PRIMARY OPEN ANGLE GLAUCOMA, both eyes assessed at 40% for life. The RMB opined that since the disease is a constitutional in nature and is not related to stress or strain of the military services, therefore, the aforesaid disability was neither attributable to nor aggravated [‘NANA’] by the military service.

3. The Respondent’s claim of disability pension was rejected, and the same was communicated to the Respondent vide letter dated 16.07.2014, stating that as the disability was opined NANA by the service. The Respondent’s first appeal and the second appeal challenging the said rejection was dismissed.

4. The Respondent filed O.A. No. 845/2019 before the Tribunal for the grant of disability element of pension. 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.

5. 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

¹ 2013 (7) SCC 361

² 2014 SCC Online SC 1761



[‘Entitlement Rules, 2008’].

6. Learned counsel for the Petitioner 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. He states in the facts of this case, the Respondent discharged on 31.10.2014 and therefore, the Respondent would be governed by the 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 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 Madso**³ and W.P.(C) 140/2024 titled **Union of India vs. Col. Balbir Singh (Retd.) and other connected**

³ 2025: DHC: 2021-DB



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 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 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.

10. The requirement of reasons to be recorded by the Medical Board has been succinctly explained by the Supreme Court in another recent decision

⁴ 2025: DHC: 5082-DB

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



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.

11. In this background of law, it is well settled that onus to prove disentitlement remains with military establishment vis-à-vis Entitlement Rules, 2008 and we have accordingly examined the facts of this case.

12. The Respondent was enrolled in the Indian Army on 11.06.1988 and the disease PRIMARY OPEN ANGLE GLAUCOMA, both eyes, was discovered in the year 2001 [after 13 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 31.10.2014.

13. The Petitioners have raised the issue of non-entitlement of the disability element of the pension solely on the ground that the Medical Board has held/opined that the disease is NANA by the military service. The opinion rendered by the RMB is extracted as under:

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)	Reasons/cause/specific conditions and period in service
PRIMARY OPEN ANGLE GLAUCOMA BOTH EYES	No	No	Yes	ID is a constitutional disease not related to stress, strain or any other service factors. No H/Q infection to the eye or taking drugs like steroid. No H/Q Hypertension or Diabetes. Hence ID conceded as NANA.

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



14. The Petitioners contend since the Medical Board has opined that the disease is constitutional and there was no stress or strain of the military service, the Respondent is not entitled to disability pension.

15. As is evident from the RMB, the medical board while opining that the disease is CONSTITUTIONAL, fails to enlist the factors which form the basis of this opinion. In the absence of the recording the factors, the said conclusion of the Medical Board is unreasoned and thus cannot justify its opinion of NANA. [Re: **Rajumon T.M. v. UOI** (supra)].

16. Significantly, the RMB categorically records in response to 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) the medical board opines that the disability is not attributable to the officer's own negligence or misconduct, at internal page 5 of the RMB.

17. A coordinate Bench of this Court in **Union of India vs. SGT Parmendra Kumar Singh**⁷ while upholding the order of the Tribunal granting disability pension to an officer suffering from open angle Glaucoma after referring to para 35 of chapter VI of GMO 2008 held that where admittedly the said disease was contracted after being enrolled in the military service, in the absence of specific factors enlisted by the Medical Board in the RMB for opining NANA, the officer would be entitled to disability pension.

18. In the facts of the present case, the reason recorded in the RMB for holding NANA have been rightly rejected by the Tribunal as the RMB fails to enlist the causative factors, which led to the Respondent officer suffering from the disease. Since no other causal connection for the disease has been



found to exist by the Medical Board in the RMB, the plea of disability pension has been rightly granted by the Tribunal.

19. 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.

20. We therefore find no merit in this petition; the petition is dismissed.

21. Pending applications, if any, stands disposed of.

22. No costs.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

FEBRUARY 13, 2026/AJ/hp