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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 13.02.2026

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W.P.(C) 2108/2026, CM APPL. 10269/2026 CM APPL. 10270/2026

UNION OF INDIA AND ORS & ORS.

.....Petitioners

Through: Dr. Vijendra Singh Mahndiyan,
CGSC
Sgt Mrtunjay and Sgt Karani Singh
Rathore, DAV, Indian Airforce Legal
Cell, New Delhi.

versus

647519 EX HFO RAJPAL TANWAR

.....Respondent

Through: Ms. Deepika Sheoran, Mr. Baljeet
Singh, Mr. Abhishek Gahlyan, Advs.

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****MANMEET PRITAM SINGH ARORA, J. (ORAL)****CM APPL. 10270/2026 (for exemption)**

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

W.P.(C) 2108/2026

3. This is a writ petition filed under Article 226 of the Constitution of India against the order dated 08.04.2024 ['impugned order'] passed by the Armed Forces Tribunal, Principal Bench, New Delhi ['Tribunal'] in Original



Application ['O.A.'] No. 259/2020 titled as **Ex HFO Rajpal Tanwar v. Union of India & Ors.**, wherein the Respondent has been granted the benefit of the disability element of pension in respect for Coronary Artery Diseases ('CAD') IWMI SVD assessed at 30% and Diabetes Mellitus Type-II at 20% compositely assessed at 40%, rounded off to 50% for life, from the date of his discharge from the service i.e., 30.06.2016.

4. The facts giving rise to the present petition are that the Respondent was retired from service under the clause 'on attaining the age of superannuation'.

5. The Release Medical Board ['RMB'], held on 03.08.2015, assessed his disability i.e., Coronary Artery Diseases ('CAD') IWMI SVD at 30% and Diabetes Mellitus Type-II at 20% for life was compositely assessed at 40 % for life. The RMB opined that since the onset of the diseases i.e., CAD and Diabetes Mellitus Type-II was at a time when the officer was serving in the peace area i.e., in February, 2013 and April, 2014, respectively, at Tezpur/ 267 SU, AF c/o 11 Wing and since Diabetes Mellitus Type II is a lifestyle related disease, therefore, the aforesaid disabilities was neither attributable to nor aggravated ['NANA'] by the military service.

6. The Respondent's claim of disability pension was rejected and was communicated to the him vide letter dated 25.01.2016. The Respondent filed the first appeal vide a legal notice on 28.11.2019 challenging the said refusal which was also rejected.

7. Thereafter, Respondent filed the O.A. No. 259 of 2020 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.

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’].

8.1. 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 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 retired on 30.06.2016 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’.

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

¹ 2013 (7) SCC 361

² 2014 SCC Onl ine SC 1761



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

10. 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 pension; and rejected the opinions of the Medical Board. The judgments

³ 2025: DHC: 2021-DB

⁴ 2025: DHC: 5082-DB



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.

11. 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 requirement of reasons to be recorded by the Medical Board in support of its conclusion has been succinctly explained by the Supreme Court in another recent decision of **Rajumon T.M. v. Union of India**⁶. The Supreme Court held that merely stating an opinion, such as ‘CONSTITUTIONAL PERSONALITY DISORDER’ for determining the disease NANA, 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 Petitioners in these proceedings similarly fails the test of a reasoned opinion as stipulated in the aforesaid judgments of the Supreme Court and this Court.

13. The Petitioners have raised the issue of non-entitlement of the

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



disability element of the pension only on the ground that the RMB 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
CAD- IWMISVD(Recanalised LCX) (Old) Z 09.0, I 20.0	NO	NO	YES	NANA as per Charter of duties dated 09 May 2013.
DM -II (Old) Z 09.0, E 10.0	NO	NO	YES	Basically a lifestyle related disorder with onset in peace (Tezpur Feb 13). No close time association with stress/ strain or dietary compulsion of Fd Areas/HAA/CI Ops services Hence NANA as per para 26 Ch VI VII of GMO 2002 & amended 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 (Mil Pension) 2002")				

14. The Respondent was enrolled in the Indian Air Force on 26.02.1977 and the diseases/disabilities i.e., CAD and Diabetes Mellitus Type II was discovered in the year 2013 [after 26 years of service] and 2014 [after 27 years of service] respectively, while he was serving at peace station and therefore, the disease has indisputably arisen during his military service. The Respondent was discharged from service on 30.06.2016, as the RMB



recommended his release on account of his low medical category A4G3 (P).

15. The Tribunal in the impugned order has rejected the argument of the Petitioners and has held that the cumulative stress and strain of the length of service in arduous working conditions cannot be overlooked⁷.

16. Learned counsel for the Petitioner by referring to RMB contends that since the onset of the disease i.e., Diabetes Mellitus Type II was at a peace station; there was no stress of the military service and the disease was due to the lifestyle related disorder; therefore, there is no causal connection between the disease and the service. This precise reason has been specifically rejected by the coordinate Bench of this Court in **Anil Madso** (supra)⁸ and has been held to be an invalid ground for denying attributability to the military service for the disease of Diabetes Mellitus Type- II.

In fact, 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 in the RMB will not prove 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).

In the present case, the RMB has merely classified the Respondent's disease of Diabetes Mellitus Type II as a lifestyle disease. The RMB says nothing about the specific lifestyle factors of the Respondent, which led to the cause of the disease.

17. The RMB in its report for disease of CAD has failed to give any

⁷ Relevant paragraph no. 21 of the impugned order dated 08.04.2024.

⁸ At paragraph nos. 82 to 84



reasons whatsoever and has just merely stated 'NANA as per Charter of duties dated 09.05.2013'. Such a reasoning is wholly untenable and does not constitute a valid or cogent basis for the conclusion reached by the RMB for opining NANA. Considering that diseases/disabilities specifically pertaining to the heart takes a long time to fester, the reasoning given has therefore no logical nexus of attributability/aggravation. The disability of 30% for life on account of this disease is recorded in the RMB; however, as held above, no justifiable reason for holding NANA has been given in the RMB. This Court has perused the grounds in the writ petition and the counter affidavit filed by the Petitioner to OA No. 259/2020 and finds no reasons enlisted in the pleadings for opining the disease of CAD as NANA.

18. Pertinently, the RMB categorically records in response to the question no. 2 that both the disabilities/disorders did not exist before the Respondent entered military service and in response to question no. 5(a) and (b) that the disabilities are not attributable to the officer's own negligence or misconduct, at internal page 8 of the RMB¹⁰. The answers to this question show that the opinion of the RMB holding the diseases NANA, is a conclusion which is negated and even otherwise not substantiated by any reasons.

19. Since no other causal connection for both the diseases has been identified and recorded by the RMB, we are in agreement with the Tribunal that the Respondent's claim of disability pension has been wrongly rejected by the Military establishment.

20. In view of the aforesaid findings, the Petitioners' challenge to the

⁹ 2025 SCC OnLine Del 4292 at paragraphs 5 and 16

¹⁰ Page 81 of the paper-book



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.

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

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

FEBRUARY 13, 2026/IB/hp