



2026:DHC:1740-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision : 26.02.2026*

+ W.P.(C) 2718/2026

UNION OF INDIA AND ORS.Petitioners

Through: Ms. Gauri Goburdhun, SPC.

versus

HFO MURALI DHAR YADAVRespondent

Through: Mr. Ramniwas Bansal, Adv., Sgt.
Padam Charan and Sgt. Karani Singh
Rathore.**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****MANMEET PRITAM SINGH ARORA, J. (ORAL)****CM APPL. 13223/2026 (Exemption)**

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

W.P.(C) 2718/2026 CM APPL. 13224/2026

3. This is a writ petition filed under Article 226 of the Constitution of India against the order dated 29.07.2024 ['impugned order'] passed by the Armed Forces Tribunal Principal Bench, New Delhi ['Tribunal'] in Original Application ['O.A.'] No. 2120/2023 titled as **MWO (HFO) Murali Dhar Yadava (Retd.) v. Union of India & Ors.**, wherein the Respondent has



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been granted the benefit of the disability element of pension for Primary Hypertension (old) assessed at 30% for life, rounded off to 50% for life, from the date of his discharge from the service i.e., 31.01.2014. The arrears have been restricted to three years from the date of the filing of OA 2120/2023.

4. The facts giving rise to the present petition are set out hereinbelow:

5. The Release Medical Board [‘RMB’] held on 01.03.2013 assessed disability i.e., Primary Hypertension at 30% for life. The RMB opined that since the onset of the disease was at the time when the Respondent was serving at the peace station i.e., in March 2009 at Hyderabad and constitutional in nature, the aforesaid disability was neither attributable to nor aggravated [‘NANA’] by the military service.

6. The Respondent’s claim of disability pension was rejected by the Petitioners vide letter dated 21.08.2013. The appeal was dismissed as time barred. In these facts, the Respondent filed O.A. No. 2120/2023 before the Tribunal for the grant of disability element of pension. By the impugned order, the Tribunal after 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 has granted the relief of disability pension to the Respondent.

7. 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

¹ 2013 (7) SCC 361



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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. She contends that the Tribunal has overlooked the Entitlement Rules, 2008, which govern attributability and aggravation and no longer permit a blanket presumption in favour of the claimant/officer; 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. She states in the facts of this case, Respondent was discharged from services on 31.01.2020 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. 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 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

² 2014 SCC OnLine SC 1761



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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 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 a bald statement in the report of the Medical Board opining 'ONSET IN PEACE STATION' 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 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.

³ 2025: DHC: 2021-DB



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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.

12. The distinction between a conclusion and reasons (in support thereof) has been succinctly explained by the Supreme Court in another recent decision of **Rajumon T.M. v. Union of India**⁶ pertaining to disability pension. The Supreme Court has held that the opinion of the Medical Board opining disease is a '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 opining that the disease/disability to be NANA. The Supreme Court disregarded the opinion of the Medical Board as unreasoned on this basis, in the said case.

13. In this background of settled law declaring that the onus to prove disentitlement remains on the military establishment vis-à-vis Entitlement Rules, 2008, and not on the officer, we have examined the facts of this case.

14. The Respondent was enrolled in the Indian Air Force on 13.08.1976 and the disease/disability Primary Hypertension was discovered in the year 2009 [after 33 years of service], while he was serving and therefore, the

⁴ 2025: DHC: 5082-DB

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



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disease has indisputably arisen during his military service. The Respondent was discharged from service on 31.01.2014, on attaining the age of superannuation with permanent low medical category A4G2(P).

15. The Petitioners have raised the issue of non-entitlement of the disability element of the pension only 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: -

PART V				
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 for medical disability and period in service
Primary hypertension < 160/90	NO	NO	YES	The disease is constitutional in nature. There was no close association with the service. The disability arose in peace area. Hence it is neither attributable nor aggravated by service. As per Para 4.3 of Chapter - V, (Guide to medical - Pen-08)

16. The Petitioners contend that disease is NANA since the Medical Board has opined that the onset of the disease was at a peace station as well as the disease was constitutional in nature and that there was no stress of the military service.

17. Onset of disease in peace station, is the precise reason has been specifically rejected by the coordinate Bench of this Court in **Col. Balbir Singh (Retd.)** (supra)⁷ while granting disability pension to the officer

⁷ At paragraph nos. 66 to 74



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suffering from Primary Hypertension and has been held to be an invalid ground for denying attributability to the military service. The Court in the said decision after taking note of Regulation 423(a) of the Regulations for the Medical Services of the Armed Forces, 2010 held that the fact that the disease occurred in normal peace conditions is immaterial and by itself is not sufficient to deny disability pension to the officer.

Similarly, the opinion that this disease is ‘constitutional in nature’, is by itself not a sufficient ground for denying attributability in the absence of the causative factors enlisted in the medical opinion for coming to the said conclusion, as held in the judgment of the Supreme Court in **Rajumon T. M.** (supra).

18. We may note that the RMB herein categorically records in response to question no. 2 that the Respondent did not have this disability before entering into service and also to the response of question no. 5 (a) and (b) that the disability is not attributable to the officer’s own negligence or misconduct⁸. In these facts, since no other causal connection for the disease has been found to exist by the RMB, the Petitioner’s challenge to the impugned order is without any merits.

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, by the Tribunal in the impugned order.

⁸ At page no. 69 of the paper-book.



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20. Additionally, we also note that the impugned order of the Tribunal is dated 29.07.2024 but the present petition filed on 25.02.2026, that too without any explanation for the inordinate delay in approaching this Court. The present petition filed before this Court, approximately two years later, is clearly hit by delay and laches and is also liable to be dismissed on this ground as well.

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

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

FEBRUARY 26, 2026/AM