



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

Reserved on: 18.03.2025
Pronounced on: 01.07.2025

+ **W.P.(C) 140/2024, CM APPL. 634/2024 & CM APPL. 635/2024**

UNION OF INDIA & ORS.Petitioners

versus

COL. BALBIR SINGH (RETD.)Respondent

+ **W.P.(C) 121/2024, CM APPL. 599/2024, CM APPL. 600/2024**

UNION OF INDIA & ORS.Petitioners

versus

COL. SUNIL KALA (RETD.)Respondent

+ **W.P.(C) 141/2024, CM APPL. 637/2024 & CM APPL. 638/2024**

UNION OF INDIA & ORS.Petitioners

versus

COL ANIL KUMAR S HADGEKAR (RETD.)Respondent

+ **W.P.(C) 148/2024, CM APPL. 647/2024 & CM APPL. 648/2024**

UNION OF INDIA & ORS.Petitioners

versus

COL DAVENDER PAL SINGH CHAHAL (RETD.)Respondent

+ **W.P.(C) 808/2024, CAV 22/2024 & CM APPL. 3495/2024**

UNION OF INDIA & ORS.Petitioners

versus

COL. VINEET BHATIA (RETIRED)Respondent

+ **W.P.(C) 2009/2024 & CM APPL. 8433/2024**

UNION OF INDIA & ORS.Petitioners

versus

EX SUB BIKRAMA SINGH (S.NO. JC 297709 N)Respondent

+ **W.P.(C) 2257/2024 & CM APPL. 9401/2024**

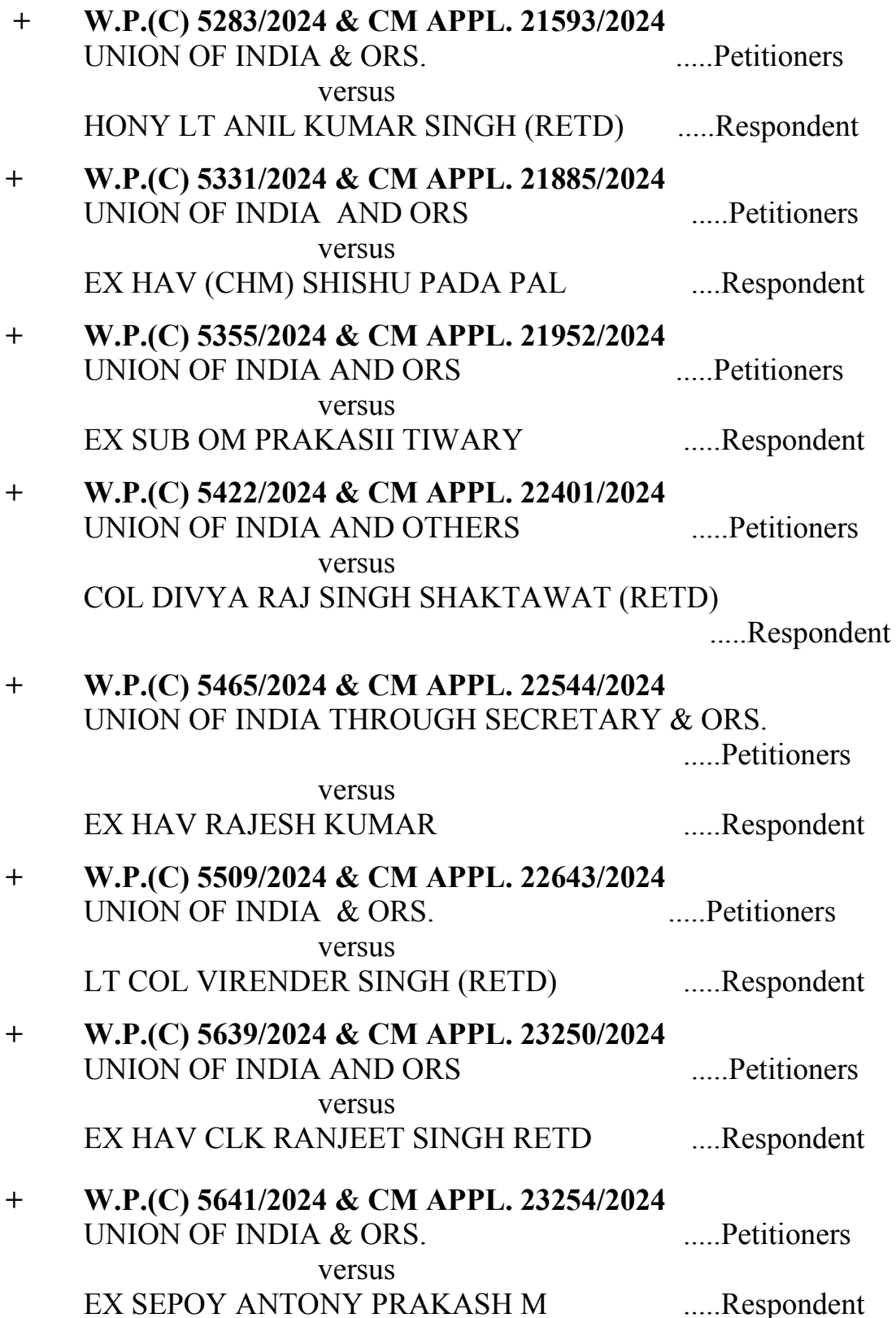
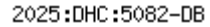
UNION OF INDIA & ORS.Petitioners

versus



EX SUB MAJ (HONY LT) GANESH SINGH THAPA JC
308582YRespondent

- + **W.P.(C) 2310/2024 & CM APPL. 9559/2024**
UNION OF INDIA & ORS.Petitioners
versus
COLONEL SHRIKANT N DIXIT (RETIRED)Respondent
- + **W.P.(C) 3210/2024 & CM APPL. 13186/2024**
UNION OF INDIA & ORS.Petitioners
versus
IC 39869Y BRIG ARUN KUMAR AHUJA (RETD)
.....Respondent
- + **W.P.(C) 3499/2024 & CM APPL. 14294/2024**
UNION OF INDIA AND ORSPetitioners
versus
EX LNK HARI SHANKAR CHAUDHARYRespondent
- + **W.P.(C) 4166/2024 & CM APPL. 16981/2024**
UNION OF INDIA AND ORSPetitioners
versus
EX SUB NACHIAPPAN TRespondent
- + **W.P.(C) 4779/2024 & CM APPL. 19516/2024**
UNION OF INDIA AND ORSPetitioners
versus
EX HAV BIMAL KUMAR BEHERARespondent
- + **W.P.(C) 4900/2024 & CM APPL. 20002/2024**
UNION OF INDIA AND ORS.Petitioners
versus
EX SUB ASHOK KUMAR MALIKRespondent
- + **W.P.(C) 5123/2024 & CM APPL. 20970/2024**
UNION OF INDIA & ORSPetitioner
Through:
versus
EX SUB,(HONY SUB MAJ) DHANESWAR MAJHI
.....Respondent





- + **W.P.(C) 5798/2024 & CM APPL. 23975/2024**
UNION OF INDIA THROUGH SECRETARY & ORS.
.....Petitioners
versus
EX HAV PRAMOD KUMARRespondent
- + **W.P.(C) 5856/2024 & CM APPL. 24200/2024**
UNION OF INDIA THROUGH SECRETARY, MINISTRY
OF DEFENCE & ORS.Petitioners
versus
EX HAV NARESH JHARespondent
- + **W.P.(C) 5981/2024 & CM APPL. 24811/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX HAV SATISH KUMARRespondent
- + **W.P.(C) 6075/2024 & CM APPL. 25237/2024**
UNION OF INDIA THROUGH SECRETARY MINISTRY OF
DEFENCE & ORS.Petitioners
versus
EX SUB MAJ HONY CAPT KULASEKARALVAR RETD
.....Respondent
- + **W.P.(C) 6471/2024 & CM APPL. 26965/2024**
UNION OF INDIA & ORS.Petitioners
versus
MAJ GEN MAHESH CHANDER (RETD) (DECEASED)
THROUGH SMT. SHASHI CHANDER (LR)Respondent
- + **W.P.(C) 6553/2024 & CM APPL. 27305/2024**
UNION OF INDIA THROUGH SECRETARY MINISTRY OF
DEFENCE & ORS.Petitioners
versus
COL RAJESHWAR SINGH BAZAD SM VSM RETD
.....Respondent
- + **W.P.(C) 6987/2024 & CM APPL. 29076/2024**
UNION OF INDIA THROUGH SECRETARY MINISTRY OF
DEFENCE & ORS.Petitioners
versus
EX SUB (AEC) RAJESH KUMARRespondent



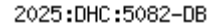
- + **W.P.(C) 7073/2024 & CM APPL. 29478/2024**
UNION OF INDIA & ORSPetitioners
versus
EX SUB MANOJ KUMAR SINGH YADAVRespondent
- + **W.P.(C) 7193/2024 & CM APPL. 30059/2024**
UNION OF INDIA & ORS.Petitioners
versus
COL RAJEEV D. NAIR (RETD.)Respondent
- + **W.P.(C) 7286/2024 & CM APPL. 30442/2024**
UNION OF INDIA & ORS.Petitioners
versus
BRIG BISHWAJEET GHOSH SM VSM (RETD.)
.....Respondent
- + **W.P.(C) 7428/2024, CM APPL. 30959/2024 & CM APPL. 30960/2024**
UNION OF INDIA & ORS.Petitioners
versus
SUB CHETNA RAM (RETD)Respondent
- + **W.P.(C) 7441/2024, CM APPL. 30986/2024 & CM APPL. 30987/2024**
UNION OF INDIA & ORS.Petitioners
versus
LT COL PREM NATH PANDEY (RETD)Respondent
- + **W.P.(C) 7566/2024, CM APPL. 31495/2024 & CM APPL. 31496/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX SEP RAMA SHANKAR SINGHRespondent
- + **W.P.(C) 7570/2024 & CM APPL. 31499/2024**
UNION OF INDIA & ORS.Petitioners
versus



- EX HAV HEMANTA KUMAR BEHERA (RETD.)
.....Respondent
- + **W.P.(C) 7578/2024, CM APPL. 31520/2024 & CM APPL. 31521/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX NK THOMAS KUTTY BRespondent
- + **W.P.(C) 7909/2024 & CM APPL. 32694/2024**
UNION OF INDIA & ORS.Petitioners
versus
BRIG SANJIV KUMAR RETDRespondent
- + **W.P.(C) 7981/2024 & CM APPL. 32926/2024**
UNION OF INDIA THROUGH SECRETARY, MINISTRY OF DEFENCE & ORS.Petitioners
versus
MAJ SURAJ R BHURE (RETD)Respondent
- + **W.P.(C) 8029/2024 & CM APPL. 33035/2024**
UNION OF INDIA & ORS.Petitioners
versus
COL YASHWANT SINGH RANA (RETD)Respondent
- + **W.P.(C) 8210/2024, CM APPL. 33651/2024 & CM APPL. 33652/2024**
UNION OF INDIA THROUGH SECRETARY & ORS.Petitioners
versus
EX SUB HIRA LAL KUSHWAHARespondent
- + **W.P.(C) 8394/2024, CM APPL. 34541/2024 & CM APPL. 34542/2024**
UNION OF INDIA & ORS.Petitioners
versus
SUB KASHMIRI LAL SHARMA (RETD.)Respondent
- + **W.P.(C) 8396/2024 & CM APPL. 34544/2024**
UNION OF INDIA & ORS.Petitioners
versus



- EX MC-AT-ARMS I (HON LT) PRAHLAD SINGHRespondent
- + **W.P.(C) 8977/2024 & CM APPL. 36646/2024**
UNION OF INDIA AND ORSPetitioner
Through:
versus
EX NK (GD) (MACP HAV) RAJAB ALIRespondent
- + **W.P.(C) 9063/2024 & CM APPL. 37060/2024**
UNION OF INDIA & ORS.Petitioners
versus
NK KULDIP SINGHRespondent
- + **W.P.(C) 9295/2024 & CM APPL. 38106/2024**
UNION OF INDIA & ORS.Petitioners
versus
HONY CAPT. ARVIND KUMAR RETD.Respondent
- + **W.P.(C) 10080/2024 & CM APPL. 41319/2024**
UNION OF INDIA & ORS.Petitioner
versus
EX. SUB JANMED SINGHRespondent
- + **W.P.(C) 10171/2024 & CM APPL. 41758/2024**
UNION OF INDIA AND ORSPetitioners
versus
EX MWO(HFO) RAJESH KUMAR BALIRespondent
- + **W.P.(C) 10355/2024 & CM APPL. 42521/2024**
UNION OF INDIA AND ORSPetitioners
versus
RAKESH KUMAR TRIPATHIRespondent
- + **W.P.(C) 10415/2024, CM APPL. 42785/2024 & CM APPL. 42786/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX SGT ANIL KUMAR SHUKLA (RETD.)Respondent
- + **W.P.(C) 10500/2024, CM APPL. 43159/2024 & CM APPL. 43160/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX SGT DINESH SURYABHAN DHANKNERespondent



- | | | |
|---|--|------------------|
| + | W.P.(C) 10501/2024 & CM APPL. 43162/2024 | |
| | UNION OF INDIA & ORS. |Petitioners |
| | versus | |
| | GP. CAPT. R D MOHAN, RETD |Respondent |
| + | W.P.(C) 10535/2024 & CM APPL. 43309/2024 | |
| | UNION OF INDIA & ORS. |Petitioners |
| | versus | |
| | EX PO LOG (MAT) VIJAY KUMAR |Respondent |
| + | W.P.(C) 10652/2024 & CM APPL. 43847/2024 | |
| | UNION OF INDIA & ORS. |Petitioners |
| | versus | |
| | COL. ANAND KUMAR (RETD.) |Respondent |
| + | W.P.(C) 10679/2024 & CM APPL. 43917/2024 | |
| | UNION OF INDIA & ORS. |Petitioners |
| | versus | |
| | COL MANAS KUMAR DAS (RETD) |Respondent |
| + | W.P.(C) 10849/2024 & CM APPL. 44659/2024 | |
| | UNION OF INDIA & ORS. |Petitioners |
| | versus | |
| | EX JWO DEVENDRA KUMAR SINGH |Respondent |
| + | W.P.(C) 11230/2024 & CM APPL. 46483/2024 | |
| | UNION OF INDIA & ORS. |Petitioners |
| | versus | |
| | EX SGT RAVINDRA KUMAR |Respondent |
| + | W.P.(C) 11529/2024 & CM APPL. 47818/2024 | |
| | UNION OF INDIA THROUGH SECRETARY
& ORS. |Petitioners |
| | versus | |
| | EX HFO GOVIND KANSAL (RETD.) |Respondent |
| + | W.P.(C) 11771/2024 & CM APPL. 48965/2024 | |
| | UNION OF INDIA & ORS. |Petitioners |



- versus
EX HFO ANANT KUMAR MUDGALRespondent
- + **W.P.(C) 11993/2024 & CM APPL. 49892/2024**
UNION OF INDIA & ORS.Petitioners
- versus
EX JWO ABAD ALIRespondent
- + **W.P.(C) 12058/2024 & CM APPL. 50224/2024**
UNION OF INDIA & ORS.Petitioners
- versus
EX MCPO II HONY SUB LT ANAND SINGHRespondent
- + **W.P.(C) 12201/2024 & CM APPL. 50776/2024**
UNION OF INDIA & ORS.Petitioners
- versus
EX SGT BINOY TD (795887 T)Respondent
- + **W.P.(C) 12300/2024 & CM APPL. 51155/2024**
UNION OF INDIA & ORS.Petitioners
- versus
EX JWO AJEET KUMARRespondent
- + **W.P.(C) 12679/2024, CM APPL. 52830/2024**
UNION OF INDIA & ORS.Petitioners
- versus
EX MWO OM PRAKASH SHARMARespondent
- + **W.P.(C) 12731/2024, CM APPL. 53068/2024**
UNION OF INDIA & ORS.Petitioner
- versus
AVM AK BHATIACHARYA RETDRespondent
- + **W.P.(C) 12741/2024, CM APPL. 53094/2024**
UNION OF INDIA AND ORSPetitioners
- versus
EX WO ARUN KUMAR SINGH 716566 NRespondent
- + **W.P.(C) 12792/2024, CM APPL. 53337/2024**



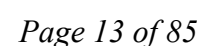
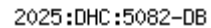
- UNION OF INDIA & ORS.Petitioners
versus
EX SGT PRAVAT RAVIRespondent
- + **W.P.(C) 12813/2024, CM APPL. 53407/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX SGT AJAB SINGHRespondent
- + **W.P.(C) 12834/2024, CM APPL. 53529/2024**
UNION OF INDIA & ORS.Petitioners
versus
DEBENDRA KUMAR SWAIN (EX. WO SR. NO. 628389-K)
.....Respondent
- + **W.P.(C) 12970/2024, CM APPL. 54064/2024, CM APPL. 54065/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX SGT MANORANJAN PANDARespondent
- + **W.P.(C) 13306/2024 & CM APPL. 55553/2024**
UNION OF INDIA & ORS.Petitioners
versus
GP CAPT HAIDAR ALI RETDRespondent
- + **W.P.(C) 13320/2024 & CM APPL. 55675/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX MWO (HFO) ANAND KUMARRespondent
- + **W.P.(C) 13350/2024 & CM APPL. 55741/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX JWO RAMASHIS PRASAD SINGHRespondent
- + **W.P.(C) 13414/2024 & CM APPL. 56098/2024**
UNION OF INDIA & ORS.Petitioners
versus



- SGT ARVIND KUMAR SINGH (RETD.)Respondent
- + **W.P.(C) 13426/2024 & CM APPL. 56121/2024**
UNION OF INDIA & ORS.Petitioners
versus
HFL SHUBH NARAIN UPADHYAYRespondent
- + **W.P.(C) 13428/2024 & CM APPL. 56128/2024**
UNION OF INDIA & ORS.Petitioners
versus
MWO SURESH CHANDRA SARASWAT RETD
.....Respondent
- + **W.P.(C) 13439/2024 & CM APPL. 56157/2024**
UNION OF INDIA & ORS.Petitioners
versus
GP CAPT KHADGA SINGH KARKI RETDRespondent
- + **W.P.(C) 13549/2024 & CM APPL. 56675/2024**
UNION OF INDIA AND ORSPetitioners
versus
SGT GOVIND KUMAR SAXENARespondent
- + **W.P.(C) 13868/2024 & CM APPL. 58041/2024**
UNION OF INDIA & ORS.Petitioners
versus
WG CDR G JAYACHANDRAN VSM RETD SERVICE NO.-
28293Respondent
- + **W.P.(C) 13920/2024 & CM APPL. 58259/2024**
UNION OF INDIA & ORS.Petitioners
versus
SGT AKSHAYA KUMAR PATI (RETD.) (S. NO. 769750-F)
.....Respondent
- + **W.P.(C) 13921/2024 & CM APPL. 58261/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX SGT ASHWINI KUMAR 901869-LRespondent



- + **W.P.(C) 13952/2024 & CM APPL. 58384/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX WO JAYPARKASH SAXENA (SER NO. 707072- A)
.....Respondent
- + **W.P.(C) 13987/2024 & CM APPL. 58508/2024**
UNION OF INDIAPetitioner
versus
EX. SGT SURESH PRASAD SHARMARespondent
- + **W.P.(C) 13996/2024 & CM APPL. 58518/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX JWO SATYAPAL SINGHRespondent
- + **W.P.(C) 14019/2024 & CM APPL. 58694/2024**
UNION OF INDIA AND ORSPetitioners
versus
HFO BEGRAJ SINGH RETD 639601 ARespondent
- + **W.P.(C) 14043/2024, CM APPL. 58773/2024 & CM APPL. 58774/2024**
UNION OF INDIA AND ORS.Petitioners
versus
EX WO DEVI PRASAD AWASTHIRespondent
- + **W.P.(C) 14095/2024, CM APPL. 58976/2024 & CM APPL. 58977/2024**
UNION OF INDIA AND ORSPetitioners
versus
EX MWO RAJ KUMAR SHAH 656077Respondent
- + **W.P.(C) 14100/2024 & CM APPL. 58986/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX SGT RAJESH KUMAR SINHA (SER NO 764245-N)
.....Respondent





UNION OF INDIA THROUGH SECRETARY MINISTRY OF
DEFENCE & ORS.Petitioners
versus
EX WO SUSHIL KUMAR DHARARespondent
+ **W.P.(C) 14614/2024 & CM APPL. 61350/2024**
UNION OF INDIA & ORS.Petitioners
versus
NK DILBAG SINGHRespondent
+ **W.P.(C) 14637/2024 & CM APPL. 61443/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX SGT PRADEEP KUMAR YADAVRespondent
+ **W.P.(C) 14673/2024 & CM APPL. 61628/2024**
UNION OF INDIA & ORS.Petitioners
versus
HFO HARISH CHANDRA RIKHARI RETEDRespondent
+ **W.P.(C) 14688/2024, CM APPL. 61736/2024 & CM APPL.
61737/2024**
UNION OF INDIA AND ORSPetitioners
versus
EX POELR RAJ RATANRespondent
+ **W.P.(C) 14854/2024 & CM APPL. 62393/2024**
UNION OF INDIA & ORS.Petitioners
versus
SGT ARUN KUMAR TIWARIRespondent
+ **W.P.(C) 14858/2024 & CM APPL. 62398/2024**
UNION OF INDIA & ORS.Petitioners
versus
HAV RAVI KUMAR (RETD) NO. 137259-BRespondent
+ **W.P.(C) 14870/2024 & CM APPL. 62422/2024**
UNION OF INDIA AND ORSPetitioners
versus
661608 MWO HARVINDER JIT SINGH RETDRespondent
+ **W.P.(C) 14871/2024 & CM APPL. 62423/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX HONY NB SUB ANIL KUMARRespondent



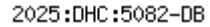
- + **W.P.(C) 14886/2024 & CM APPL. 62448/2024**
UNION OF INDIA AND ORS.Petitioners
versus
EX SGT SUDEB DASRespondent
- + **W.P.(C) 14949/2024 & CM APPL. 62690/2024**
UNION OF INDIA & ORS.Petitioners
versus
738657 SGT GURVINDER SINGH, RETDRespondent
- + **W.P.(C) 14950/2024 & CM APPL. 62696/2024**
UNION OF INDIA & ORS.Petitioners
versus
HFO RETD RAKESH BABU MISHRA SER NO 665878G)Respondent
- + **W.P.(C) 14965/2024 & CM APPL. 62776/2024**
UNION OF INDIA & ORS.Petitioners
versus
SGT RAJ KAMAL AZAD, RETDRespondent
- + **W.P.(C) 14967/2024 & CM APPL. 62783/2024**
UNION OF INDIA AND ORSPetitioners
versus
EX WO RAKESH KUMARRespondent
- + **W.P.(C) 15002/2024 & CM APPL. 62866/2024**
UNION OF INDIA AND ORSPetitioners
versus
SGT SANJEEV KUMAR RETDRespondent
- + **W.P.(C) 15013/2024 & CM APPL. 62974/2024**
UNION OF INDIAPetitioner
versus
SER NO. 625319-R WO MAHENDRA PRATAP SHARMA (RETD)Respondent
- + **W.P.(C) 15019/2024 & CM APPL. 63023/2024**
UNION OF INDIA & ORS.Petitioners
versus
GP CAPT DEVI PAL SINGH RAWATRespondent
- + **W.P.(C) 15047/2024 & CM APPL. 63108/2024**
UNION OF INDIA AND ORSPetitioners
versus



- GP CAPT NAVEEN SINGH BISHT(RETD) (SERVICE NO-17784)Respondent
- + **W.P.(C) 15050/2024 & CM APPL. 63124/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX JWO JOSYULA VSV PRASADRAORespondent
- + **W.P.(C) 15056/2024 & CM APPL. 63140/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX JWO RAM NARESH BHARDWAJRespondent
- + **W.P.(C) 15060/2024 & CM APPL. 63149/2024**
UNION OF INDIA AND ORSPetitioners
versus
EX SGT PK SREEJITRespondent
- + **W.P.(C) 15105/2024 & CM APPL. 63252/2024**
UNION OF INDIA & ORS.Petitioners
versus
AJAY KUMAR CHOUDHARY EX WO 691699-KRespondent
- + **W.P.(C) 15201/2024 & CM APPL. 63729-31/2024**
UNION OF INDIA & ORS.Petitioners
versus
CMDE JAYANTA CHOWDHURY (RETD.) (41381-Y)Respondent
- + **W.P.(C) 15212/2024 & CM APPL. 63897/2024**
UNION OF INDIA & ORS.Petitioners
versus
NO 17220A GP CAPT S K CHOUDHARY RETDRespondent
- + **W.P.(C) 15512/2024 & CM APPL. 65143/2024**
UNION OF INDIA & ORS.Petitioners
versus



- EX SGT MURALIDHARA RAO SONDURU SER NO 761830-ARespondent
- + **W.P.(C) 15579/2024 & CM APPL. 65366-67/2024**
UNION OF INDIA & ORS.Petitioners
versus
LS GW BIJAY KUMAR SWAINRespondent
- + **W.P.(C) 15650/2024 & CM APPL. 65615/2024**
UNION OF INDIA AND ORSPetitioners
versus
EX WO VIKRAM SINGH RATHORE SERVICE NO 652905Respondent
- + **W.P.(C) 15677/2024 & CM APPL. 65840/2024**
UNION OF INDIA & ORS.Petitioners
versus
JWO SURENDRA KUMAR SAXENA-RETIRED, SERVICE NO 629071-SRespondent
- + **W.P.(C) 15729/2024 & CM APPL. 66072/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX NK RAJENDRA PRASAD SHARMARespondent
- + **W.P.(C) 15735/2024 & CM APPL. 66091/2024**
UNION OF INDIA & ORS.Petitioners
versus
683445 WARRANT OFFICER RAJAYA PAL RETDRespondent
- + **W.P.(C) 15776/2024 & CM APPL. 66169/2024**
UNION OF INDIA ORSPetitioners
versus
EX MWO RANA PRATAP RAYRespondent
- + **W.P.(C) 15902/2024, CM APPL. 66766/2024 & CM APPL. 66767/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX LEM R ARNAB GANGULYRespondent



- | | | |
|---|--|---|
| + | W.P.(C) 15912/2024 & CM APPL. 66786/2024
UNION OF INDIA AND ORS
versus
EX SUB RAJ SINGH |Petitioners

.....Respondent |
| + | W.P.(C) 15975/2024 & CM APPL. 67112/2024
UNION OF INDIA & ORS.
versus
EX SEP ANIL KUMAR RAI |Petitioners

.....Respondent |
| + | W.P.(C) 16183/2024 & CM APPL. 68053/2024
UNION OF INDIA & ORS.
versus
COL SANJEEV KUMAR SINGH RETD |Petitioners

.....Respondent |
| + | W.P.(C) 16191/2024 & CM APPL. 68069/2024 & 68071/2024
UNION OF INDIA AND ORS
versus
EX HAV DHARAMVIR PILANIA |Petitioners

.....Respondent |
| + | W.P.(C) 16208/2024 & CM APPL. 68095/2024
UNION OF INDIA & ORS.
versus
HONY LT RAM RATAN SINGH UPRETI (RETD) |Petitioners

.....Respondent |
| + | W.P.(C) 16229/2024 & CM APPL. 68181/2024
UNION OF INDIA & ORS.
versus
MAJ GEN SANJEEV JAIN RETD |Petitioners

.....Respondent |
| + | W.P.(C) 16245/2024 & CM APPL. 68403-68404/2024
UNION OF INDIA & ORS.
versus
WG CDR SAMIR KUMAR JHA |Petitioners

.....Respondent |



- + **W.P.(C) 16286/2024 & CM APPL. 68594/2024**
UNION OF INDIA & ORS.Petitioners
versus
WG CDR VISHWAJIT CHAUHAN (RETD) (24328)
.....Respondent
- + **W.P.(C) 16291/2024 & CM APPL. 68601/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX WO PRADEEP KUMAR DHILLON (674730-B)
.....Respondent
- + **W.P.(C) 16315/2024 & CM APPL. 68758/2024**
UNION OF INDIAPetitioner
versus
EX SGT BINAY CHANDRA JHARespondent
- + **W.P.(C) 16323/2024 & CM APPL. 68771-72/2024**
UNION OF INDIA & ORS.Petitioner
versus
WG CDR HARVINDER SINGH SANDHU RETD 24907
.....Respondent
- + **W.P.(C) 16356/2024 CM APPL. 69021/2024**
UNION OF INDIA & ORS.Petitioner
versus
MOHD IBRAR KHAN (RETD)Respondent
- + **W.P.(C) 16437/2024 & CM APPL. 69398-99/2024**
UNION OF INDIA & ORS.Petitioner
versus
HAV SHAMBHU KUMAR ROY (RETD.)Respondent
- + **W.P.(C) 16497/2024, CM APPL. 69722/2024**
UNION OF INDIA AND ORSPetitioners
versus
EX MWO MUNSHI MAHTO (SERVICE NO 668719)
.....Respondent



- + **W.P.(C) 16555/2024 & CM APPL. 70030/2024**
UNION OF INDIA & ORS.Petitioners
versus
705243S EX JWO SURENDER KUMARRespondent
- + **W.P.(C) 16576/2024 & CM APPL. 70061/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX L/NK MANOJ KUMAR SHARMARespondent
- + **W.P.(C) 16627/2024 & CM APPL. 70353/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX SGT SATYENDRA KUMAR MISHRARespondent
- + **W.P.(C) 16628/2024 & CM APPL. 70355/2024**
UNION OF INDIA AND ORSPetitioners
versus
EX JWO RISHI KUMARRespondent
- + **W.P.(C) 16665/2024 & CM APPL. 70463-64/2024**
UNION OF INDIA AND ORS.Petitioners
Through:
versus
WO DILEEP KUMAR THAKUR (RETD) (S. NO. 675972- K)
.....Respondent
- + **W.P.(C) 16723/2024, CM APPL. 70721/2024**
UNION OF INDIA & ORS.Petitioners
versus
WO RAMA NAND PANDEY (RETD)Respondent
- + **W.P.(C) 16777/2024, CM APPL. 70997/2024**
UNION OF INDIA & ORS.Petitioners
versus
WO NARAYAN PANDARespondent
- + **W.P.(C) 16781/2024, CM APPL. 71022/2024**
UNION OF INDIA AND ORSPetitioners
versus
GRP. CAPT. CHITTA ROHINI KUMAR (17843) RETD.
.....Respondent



- + **W.P.(C) 16790/2024, CM APPL. 71052/2024**
UNION OF INDIA & ORS.Petitioners
versus
EX HAV RAJEESH KUMAR KPRespondent
- + **W.P.(C) 16847/2024, CM APPL. 71307/2024**
UNION OF INDIA AND ORSPetitioners
versus
DINESH PRASAD ROYRespondent
- + **W.P.(C) 16866/2024, CM APPL. 71441/2024**
UNION OF INDIA & ORS.Petitioners
versus
MWO ABDESH KUMAR VERMA RETDRespondent
- + **W.P.(C) 16874/2024, CM APPL. 71457/2024**
UNION OF INDIAPetitioner
versus
EX. HAV. A. RAJENDRANRespondent
- + **W.P.(C) 16879/2024, CM APPLs. 71478 & 71480/2024**
UNION OF INDIA AND ORSPetitioners
versus
EX/HAV CLK NARALA V PRASAD REDDY
.....Respondent
- + **W.P.(C) 16997/2024, CM APPL. 71936/2024**
UNION OF INDIA AND ORSPetitioners
versus
EXWO TRIBHUWAN NATHRespondent
- + **W.P.(C) 17093/2024, CM APPL. 72481/2024**
UNION OF INDIA AND ORS.Petitioners
versus
EX HONY FG OFFR SATYAVEER YADAV NO.636908
.....Respondent
- + **W.P.(C) 17208/2024, CM APPL. 73145/2024**
UNION OF INDIA & ORS.Petitioners
versus
SGT RAGHUNATH JHA RETD. SR. NO. 640797 N
.....Respondent
- + **W.P.(C) 17237/2024, CM APPL. 73335/2024**
UNION OF INDIA AND ORS.Petitioners



- versus
GP CAPTAIN ANIL KUMAR GUPTA RETD 17902
.....Respondent
- + **W.P.(C) 17248/2024, CM APPL. 73418/2024**
UNION OF INDIA AND ORS.Petitioners
- versus
696133 R EX HFO PITAM SINGHRespondent
- + **W.P.(C) 17258/2024, CM APPL. 73437/2024**
UNION OF INDIA & ORS.Petitioners
- versus
WG CDR RAM BRIKSHA SINGH (RETD)Respondent
- + **W.P.(C) 17287/2024, CM APPL. 73602/2024**
UNION OF INDIA & ORS.Petitioners
- versus
SGT PR CHANDRASEKHARAN (RETD)Respondent
- + **W.P.(C) 17295/2024, CM APPL. 73625/2024**
UNION OF INDIA & ORS.Petitioners
- versus
EX JWO MAHESH KUMAR (SERVICE NO 763455)
.....Respondent
- + **W.P.(C) 17329/2024, CM APPL. 73778/2024**
UNION OF INDIA & ORS.Petitioners
- versus
EX JWO MRITYUNJAY SINGHRespondent
- + **W.P.(C) 17635/2024, CM APPL. 74948/2024**
UNION OF INDIA & ORS.Petitioners
- versus
IC-47975M COL. ISH KUMAR KHURANA (RETD.)
.....Respondent
- + **W.P.(C) 17642/2024, CM APPL. 74961-74962/2024**
UNION OF INDIA AND ORS.Petitioners
- versus
POA AH ANUP KUMAR RETDRespondent
- + **W.P.(C) 17690/2024, CM APPL. 75317/2024**
UNION OF INDIA & ORS.Petitioners
- versus
EX MWO GAWALI GANESH KESHAVRAO
.....Respondent
- + **W.P.(C) 17719/2024, CM APPL. 75368-75369/2024**



	UNION OF INDIA AND ORS	.....Petitioners
	versus	
	EX NK SURENDRA PRASAD	.....Respondent
+	W.P.(C) 17720/2024, CM APPL. 75370-75371/2024	
	UNION OF INDIA & ORS.	.....Petitioners
	versus	
	700619 H WO ROHTAS (RETD)	.....Respondent
+	W.P.(C) 17742/2024, CM APPL. 75497/2024	
	UNION OF INDIA & ORS.	.....Petitioners
	versus	
	EX NK (TS) BHUPENDRA KUMAR	.....Respondent
+	W.P.(C) 17765/2024, CM APPL. 75537/2024	
	UNION OF INDIA & ORS.	.....Petitioners
	versus	
	EX HFL SHIVJE GUPTA	.....Respondent
+	W.P.(C) 17853/2024, CM APPL. 75951/2024	
	UNION OF INDIA & ORS.	.....Petitioners
	versus	
	EX JWO MD IZHARUL HAQUE	.....Respondent
+	W.P.(C) 17854/2024, CM APPL. 75953/2024	
	UNION OF INDIA AND ORS.	.....Petitioners
	versus	
	GP CAPT. (TS) CHANDRASHEKHAR PRASAD GUPTA RETD.	.....Respondent
+	W.P.(C) 17859/2024, CM APPL. 75991/2024	
	UNION OF INDIA & ORS.	.....Petitioners
	versus	
	GAUTAM KUMAR KAR	.....Respondent
+	W.P.(C) 22/2025, CM APPL. 54/2025	
	UNION OF INDIA AND ORS	.....Petitioners
	versus	
	EX MWO SHIW SHANKAR PRASAD GUPTA SERVICE NO 670153	.....Respondent
+	W.P.(C) 50/2025, CM APPL. 154/2025	
	UNION OF INDIA & ORS.	.....Petitioners
	versus	
	AIR CMDE KR BALI RETD 9582K	.....Respondent
+	W.P.(C) 51/2025, CM APPL. 156/2025	
	UNION OF INDIA ORS & ORS.	.....Petitioners



- versus
EX-HFO SOUMENDRA KUMAR GUHARespondent
+ **W.P.(C) 86/2025, CM APPL. 277/2025**
UNION OF INDIA & ORS.Petitioners
- versus
EX SGT PRABHAT KUMAR SRIVASTAVA (S. NO. 734896-L)Respondent
+ **W.P.(C) 247/2025, CM APPL. 1172-1173/2025**
UNION OF INDIA AND ORSPetitioners
- versus
EX SGT JAI PRAKASH RAYRespondent
+ **W.P.(C) 334/2025, CM APPL. 1662/2025**
UNION OF INDIA THROUGH SECRETARY & ORS.Petitioners
- versus
EX WO BHAWANI DATT 678992 LRespondent
+ **W.P.(C) 374/2025, CM APPL. 1789/2025**
UNION OF INDIA AND ORSPetitioners
- versus
GP CAPT ASHUTOSH SRIVASTAVA RETD 21250Respondent
+ **W.P.(C) 448/2025, CM APPL. 2139/2025**
UNION OF INDIA AND ORSPetitioners
- versus
796363 EX -SGT SUJEET PRASADRespondent
+ **W.P.(C) 536/2025, CM APPL. 2467/2025**
UNION OF INDIA AND ORSPetitioners
- versus
EX SGT ANAND KUMAR BANGARWARespondent
+ **W.P.(C) 589/2025, CM APPL. 2777/2025**
UNION OF INDIA AND ORSPetitioners
- versus
641200 R EX MWO PRAKASH ASHROBA HIWALERespondent
+ **W.P.(C) 646/2025 & CM APPL. 3085/2025**
UNION OF INDIA AND ORSPetitioners
- versus
EX JWO ANGSHUMAN NATHRespondent
+ **W.P.(C) 703/2025 & CM APPL. 3349/2025**



- UNION OF INDIA AND ORSPetitioners
versus
EX MWO NAVIN KUMAR JHA (679410-K)Respondent
- + **W.P.(C) 972/2025 & CM APPL. 4793/2025**
UNION OF INDIA & ORSPetitioners
versus
GP CAPT (TS) SANJAY SANDHWAR RETD S NO 18331 GRespondent
- + **W.P.(C) 978/2025 & CM APPL. 4818/2025**
UNION OF INDIA AND ORSPetitioners
versus
HFO SURENDRA NATH TRIPATHI (RETD)Respondent
- + **W.P.(C) 1018/2025**
UNION OF INDIA AND ORSPetitioners
versus
EX SGT. SATENDRA SINGH (NO. 729828-H)Respondent
- + **W.P.(C) 1076/2025 & CM APPL. 5328/2025**
UNION OF INDIA AND ORSPetitioners
versus
WO EKENDER SINGH RETDRespondent
- + **W.P.(C) 1208/2025 & CM APPL. 5896/2025**
UNION OF INDIA AND ORSPetitioners
versus
EX JWO VIJAY KUMARRespondent
- + **W.P.(C) 1373/2025 & CM APPL. 6719/2025**
UNION OF INDIA AND ORSPetitioners
versus
IC 54673H COL SANJEEV DHOUNDIYAL RETDRespondent
- + **W.P.(C) 1429/2025 & CM APPL. 6945/2025**
UNION OF INDIA & ORS.Petitioners
versus
SGT ASWANI KUMAR SINGH RETD. (797631)Respondent
- + **W.P.(C) 1569/2025 & CM APPL. 7696/2025**



UNION OF INDIA AND ORSPetitioners
versus
WO YOGESH KUMAR RETDRespondent
+ **W.P.(C) 1575/2025 & CM APPL. 7719/2025**
UNION OF INDIA & ORS.Petitioners
versus
HFL RETD ALLAMA HAR SER NO 657705R
.....Respondent
+ **W.P.(C) 1602/2025 & CM APPL. 7797/2025**
UNION OF INDIA AND ORSPetitioners
versus
EX HAV MAHESH CHANDRespondent
+ **W.P.(C) 1665/2025 & CM APPL. 8186/2025**
UNION OF INDIA AND ORSPetitioners
versus
MWO RETD KAMALESH KUMAR DWIVEDI
.....Respondent
+ **W.P.(C) 2135/2025 & CM APPL. 10079/2025**
UNION OF INDIA AND ORSPetitioners
versus
EX MWO (HFO) SHAMBHU NATH JHARespondent
+ **W.P.(C) 2149/2025 & CM APPL. 10104/2025**
UNION OF INDIA AND ORSPetitioners
versus
GP CAPT SANJAY KUMAR NIHALANI RETD
.....Respondent
+ **W.P.(C) 2191/2025 & CM APPL. 10355/2025**
UNION OF INDIA AND ORSPetitioners
versus
EX JWO RAJARAM MOHAN ROYRespondent
+ **W.P.(C) 2356/2025 & CM APPL. 11201/2025**
UNION OF INDIA & ORSPetitioners
versus
LT COL CHAMAN SINGH SHISHODIA RETD
.....Respondent
+ **W.P.(C) 2393/2025 & CM APPL. 11287/2025**
UNION OF INDIA & ORSPetitioners
versus



- HFL (RETD) SURYA DEO YADAV (645693)Respondent
- + **W.P.(C) 2459/2025 & CM APPL. 11638/2025**
UNION OF INDIA AND ORSPetitioners
versus
SGT MUKESH KUMAR RETDRespondent
- + **W.P.(C) 2467/2025 & CM APPL. 11650/2025**
UNION OF INDIA & ORSPetitioners
versus
EX WO RAMPARKASH PAUL 647685KRespondent
- + **W.P.(C) 2480/2025 & CM APPL. 11723/2025**
UNION OF INDIA AND ORSPetitioners
versus
EX HFO MWO BHALLE RAMRespondent
- + **W.P.(C) 2485/2025 & CM APPL. 11757/2025**
UNION OF INDIA & ORSPetitioners
versus
WG CDR RANBIR SINGH RETDRespondent
- + **W.P.(C) 2694/2025 & CM APPL. 12832/2025**
UNION OF INDIA & ORSPetitioners
versus
EX SUB MAJ SANJAI KUMAR SHARMA.....Respondent
- + **W.P.(C) 2713/2025 & CM APPL. 12885/2025**
UNION OF INDIA & ORSPetitioners
versus
652946 EX-MWO ASHOK KUMAR SHARMA, RETD.Respondent
- + **W.P.(C) 2714/2025 & CM APPL. 12887/2025**
UNION OF INDIA AND ORSPetitioners
versus
SIGMN RINKU KUMAR (RETD)Respondent
- + **W.P.(C) 2774/2025 & CM APPL. 13178/2025**
UNION OF INDIA & ORSPetitioners
versus
EX JWO SANJIV KUMARRespondent
- + **W.P.(C) 2828/2025 & CM APPL. 13427/2025**
UNION OF INDIA AND ORSPetitioners
versus
JWO INDRESH KUMAR TYAGI (RETD)Respondent



2025:DHC:5082-DB



+ **W.P.(C) 2840/2025 & CM APPL. 13452/2025**
UNION OF INDIA (THROUGH THE SECRETARY) & ORS
.....Petitioners
versus
666698 HFO ARUN PRASAD SHARMA (RETD)
.....Respondent

Reserved on: 28.03.2025
Pronounced on: 01.07.2025

+ **W.P.(C) 962/2025 & CM APPL. 4778/2025**
UNION OF INDIA AND ORS
.....Petitioners
versus
VS COL MRS ARUN BALA RETD
.....Respondent

Appearances:

For Petitioners:

Mr. R. Venkataramani, Attorney General of India.
Mr.R. Venkat Prabhat, SPC with Mr.Divyanshu Sinha,
Ms.Kamna Behrani & Mr.Ansh Kalra, Advs. Major Anish
Muralidhar, Army in W.P.(C) 121/2024, W.P.(C) 140/2024,
W.P.(C) 5639/2024, W.P.(C) 7428/2024, W.P.(C) 7578/2024.
Mr.Ishkaran Bhandari, CGSC with Mr.Piyush Yadav, Adv. in
W.P.(C) 141/2024.
Mr.Chetan Sharma, ASG with Mr.Vikram Sing Baid, Adv.
Ms.Bharathi Raju, SPC. Major Anish Muralidhar, Army in
W.P.(C) 10679/2024.
Mr.R. Venkat Prabhat, SPC with Major Anish Muralidhar, Army.
in W.P.(C) 148/2024, W.P.(C) 7441/2024, W.P.(C) 7566/2024.
Mr.Ripudaman Bhardwaj, CGSC with Mr.Kushagra Kumar,
Mr.Abhinav Bhardwaj & Mr.Amit Kumar Rana, Advs. in
W.P.(C) 808/2024.
Ms.Avshreya Pratap Singh Rudy, SPC with Ms.Usha Jamnal,
Ms.Harshita Chaturvedi & Mr.Siddhant Nagar, Advs. with Major
Anish Muralidhar, Army in W.P.(C) 2009/2024, W.P.(C)



2257/2024, W.P.(C) 16208/2024, W.P.(C) 16229/2024, W.P.(C) 2356/2025.

Mr.Ripudaman Bhardwaj, CGSC with Mr.Kushagra Kumar, Mr.Abhinav Bhardwaj & Mr.Amit Kumar Rana, Advs. Major Anish Muralidhar, Army in W.P.(C) 2310/2024, W.P.(C) 7193/2024.

Mr.Nishant Gautam, CGSC with Mr.Vardhman Kaushik, Mr.Vipul Verma & Mr.Prithviraj Dey, Advs. Mr.Amit Tiwari, CGSC with Mr.Ayush Tanwar, Ms.Ayushi, Ms.Nisha Puri & Mr.Jai Vardhan, Advs. Major Anish Muralidhar, Army in W.P.(C) 3210/2024.

Mr.Neeraj, SPC with Mr.Vedansh Anand, GP & Mr.Sachin Saraswat, Adv. Major Anish Muralidhar, Army in W.P.(C) 3499/2024, W.P.(C) 10535/2024.

Mr.Himanshu Pathak, SPC with Mr.Amit Singh, Adv. Major Anish Muralidhar, Army in W.P.(C) 4166/2024, W.P.(C) 6075/2024, W.P.(C) 6553/2024.

Ms.Radhika Bishwajit Dubey, CGSC with Ms.Gurleen Kaur Waraich, Mr.Kritarth Upadhyaya & Ms.Aishwarya Singh, Advs. Major Anish Muralidhar, Army in W.P.(C) 4779/2024.

Mr.Sandeep Kumar Mahapatra, CGSC with Mr.Tribhuvan, Adv. Major Anish Muralidhar, Army in W.P.(C) 4900/2024, W.P.(C) 5123/2024.

Ms.Archana Gaur, SPC with Ms.Ridhima Gaur & Ms.Ring Baliya, Advs. Major Anish Muralidhar, Army in W.P.(C) 5283/2024.

Mr.Ruchir Mishra, Mr.Sanjiv Kr. Saxena, Mr.Mukesh Kr. Tiwari, Ms.Poonam Shukla, Ms.Reba Jena Mishra & Ms.Harshita Sharma, Advs. Major Anish Muralidhar, Army in W.P.(C) 5331/2024, W.P.(C) 5422/2024.

Ms.Beenashaw N Soni, SPC. Major Anish Muralidhar, Army in W.P.(C) 5355/2024, W.P.(C) 5509/2024.

Mr.Vijay Joshi, SPC with Mr.Hemant Goyal, Adv. Major Anish Muralidhar, Army in W.P.(C) 5465/2024, W.P.(C) 5641/2024, W.P.(C) 5798/2024.

Mr.Shrey Sharawat, SPC with Ms.Ishita Misra, Adv. Major Anish Muralidhar, Army. in W.P.(C) 5856/2024.

Mr.Sushil Kumar Pandey, SPC. Major Anish Muralidhar, Army in W.P.(C) 5981/2024, W.P.(C) 9295/2024.



Mr.T.P. Singh, SCGC. Major Anish Muralidhar, Army in W.P.(C) 6471/2024.

Ms.Niyati Sharma, SPC with Mr.Saurabh Kumar Kaushik, Mr.T. Imlinaro Jamir & Mr.Hardik Malik, Advs. Major Anish Muralidhar, Army in W.P.(C) 17719/2024.

Ms.Amrita Prakash, CGSC with Mr.Vishal Ashwani Mehta, Adv. Major Anish Muralidhar, Army in W.P.(C) 6987/2024, W.P.(C) 14858/2024, W.P.(C) 15201/2024.

Ms.Garima Sachdeva, SPC with Ms.Divyanshi Maurya, Adv. Major Anish Muralidhar, Army in W.P.(C) 7073/2024.

Mr.Nitinjya Chaudhry, SPC with Mr.Rahul Mourya, Adv. Major Anish Muralidhar, Army in W.P.(C) 7286/2024.

Mr.K.C. Dubey, SPC. Major Anish Muralidhar, Army in W.P.(C) 7570/2024.

Ms.Pratima N. Lakra, CGSC with Mr.Chandan Prajapati, Adv. Major Anish Muralidhar, Army in W.P.(C) 7909/2024, W.P.(C) 16790/2024.

Mr.Gaurav Sharma, SPC with Major Anish Muralidhar, Army in W.P.(C) 7981/2024.

Mr.Vineet Dhanda, CGSC with Ms.Akansha Choudhary, Ms.Shweta Shandilya & Mr.Skasham Sethi, Advs. Major Anish Muralidhar, Army in W.P.(C) 8029/2024, W.P.(C) 972/2025.

Mr.Shrey Sharawat, SPC with Ms.Ishita Misra, Adv. Major Anish Muralidhar, Army in W.P.(C) 8210/2024.

Mr.Piyush Beriwal, Mr.Sandip Munian & Ms.Jyotsna Vyas, Advs. Major Anish Muralidhar, Army in W.P.(C) 8394/2024, W.P.(C) 8396/2024.

Mr.Amit Gupta, SPC & Mr.Vidhur Dwivedi, Adv. Major Anish Muralidhar, Army in W.P.(C) 8977/2024.

Mr.Kanav Dev Sharma, SPC. Major Anish Muralidhar, Army in W.P.(C) 9063/2024.

Mr.Shashank Dixit, CGSC with Mr.Rohit Gupta, Adv. Major Anish Muralidhar, Army in W.P.(C) 10080/2024, W.P.(C) 12058/2024.

Mr.Ankit Raj, SPC with Mr.Ali Mohammed Khan, Adv. Gp Capt V Sridhar, Sgt. Manish Kumar Singh, Sgt. Mritunjay & Sgt. Pankaj Sharma, Air Force Legal Cell, DAV in W.P.(C) 10171/2024, W.P.(C) 374/2025.



Mr.T.P. Singh, SCGC with Gp Capt V Sridhar, Sgt. Manish Kumar Singh, Sgt. Mritunjay & Sgt. Pankaj Sharma, Air Force Legal Cell, DAV in W.P.(C) 10355/2024, W.P.(C) 13987/2024, W.P.(C) 15013/2024.

Ms.Amrita Prakash, CGSC with Mr.Vishal Ashwani Mehta, Adv. Gp Capt V Sridhar, Sgt. Manish Kumar Singh, Sgt. Mritunjay & Sgt. Pankaj Sharma, Air Force Legal Cell, DAV in W.P.(C) 10415/2024.

Ms.Amrita Prakash, CGSC with Mr.Vishal Ashwani Mehta, Adv. Gp Capt V Sridhar, Sgt. Manish Kumar Singh, Sgt. Mritunjay & Sgt. Pankaj Sharma, Air Force Legal Cell, DAV in W.P.(C) 10500/2024.

Mr.Shashank Dixit, CGSC with Mr.Rohit Gupta, Adv. with Gp Capt V Sridhar, Sgt. Manish Kumar Singh, Sgt. Mritunjay & Sgt. Pankaj Sharma, Air Force Legal Cell, DAV in W.P.(C) 10501/2024, W.P.(C) 10826/2024, W.P.(C) 10849/2024, W.P.(C) 14965/2024.

Ms.Bharathi Raju, SPC. Major Anish Muralidhar, Army in W.P.(C) 10652/2024.

Mr.Kavindra Gill, SPC. Major Anish Muralidhar. Gp Capt V Sridhar, Sgt. Manish Kumar Singh, Sgt. Mritunjay & Sgt. Pankaj Sharma, Air Force Legal Cell, DAV in W.P.(C) 11230/2024.

Mr.Rakesh Kumar, CGSC with Mr.Sunil, Adv. Gp Capt V Sridhar, Sgt. Manish Kumar Singh, Sgt. Mritunjay & Sgt. Pankaj Sharma, Air Force Legal Cell, DAV in W.P.(C) 11529/2024.

Mr.Manish Kumar, SPC with Gp Capt V Sridhar, Sgt. Manish Kumar Singh, Sgt. Mritunjay & Sgt. Pankaj Sharma, Air Force Legal Cell, DAV in W.P.(C) 11771/2024, W.P.(C) 12300/2024.

Mr.Abhishek Saket, SPCG with Mr.Manish Madhukar & Mr.Abhigyan, Advs. Gp Capt V Sridhar, Sgt. Manish Kumar Singh, Sgt. Mritunjay & Sgt. Pankaj Sharma, Air Force Legal Cell, DAV in W.P.(C) 11993/2024, W.P.(C) 15677/2024.

Mr.Kanav Dev Sharma, SPC. Gp Capt V Sridhar, Sgt. Manish Kumar Singh, Sgt. Mritunjay & Sgt. Pankaj Sharma, Air Force Legal Cell, DAV in W.P.(C) 12201/2024, W.P.(C) 12741/2024.

Mr.Jaswinder Singh, Adv. Gp Capt V Sridhar, Sgt. Manish Kumar Singh, Sgt. Mritunjay & Sgt. Pankaj Sharma, Air Force Legal Cell, DAV in W.P.(C) 12679/2024.



Mr.Sushil Kumar Pandey, SPC. Gp Capt V Sridhar, Sgt. Manish Kumar Singh, Sgt. Mritunjay & Sgt. Pankaj Sharma, Air Force Legal Cell, DAV in W.P.(C) 12731/2024, W.P.(C) 12813/2024, W.P.(C) 50/2025.

Mr.Arnab Kumar, CGSC. Gp Capt V Sridhar, Sgt. Manish Kumar Singh, Sgt. Mritunjay & Sgt. Pankaj Sharma, Air Force Legal Cell, DAV in W.P.(C) 12792/2024, W.P.(C) 14949/2024, W.P.(C) 14950/2024.

Mr.Rajesh Kumar, SPC with Mr.Mohd. Changez Khan & Mr.Yash Narian, Advs. Gp Capt V Sridhar, Sgt. Manish Kumar Singh, Sgt. Mritunjay & Sgt. Pankaj Sharma, Air Force Legal Cell, DAV in W.P.(C) 12834/2024.

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Mr. Durgesh Kumar Sharma, Adv. in W.P.(C) 10080/2024, W.P.(C) 12201/2024.

Mr. Bijendra Kumar Pathak, Adv. in W.P.(C) 10171/2024, W.P.(C) 12300/2024, W.P.(C) 12679/2024, W.P.(C) 14365/2024, W.P.(C) 15105/2024, W.P.(C) 2480/2025.

Ms. Deepika Sheoran & Mr. Baljeet Singh, Advs. in W.P.(C) 10355/2024, W.P.(C) 11529/2024, W.P.(C) 12731/2024, W.P.(C) 13306/2024, W.P.(C) 13320/2024, W.P.(C) 13439/2024, W.P.(C) 13868/2024, W.P.(C) 14673/2024, W.P.(C) 15019/2024, W.P.(C) 15047/2024, W.P.(C) 15056/2024, W.P.(C) 15650/2024, W.P.(C) 15729/2024, W.P.(C) 15776/2024, W.P.(C) 16245/2024, W.P.(C) 16286/2024, W.P.(C) 16323/2024, W.P.(C) 16497/2024, W.P.(C) 16781/2024, W.P.(C) 17237/2024, W.P.(C) 17295/2024, W.P.(C) 17853/2024, W.P.(C) 22/2025, W.P.(C) 374/2025, W.P.(C) 646/2025, W.P.(C) 2459/2025, W.P.(C) 2485/2025, W.P.(C) 2713/2025.

Mr. Tatsat Shukla & Mr. Rajeev, Advs. in W.P.(C) 10501/2024, W.P.(C) 17720/2024.

Mr. Anand Shankar Jha, Mr. Sachin Mintri & Ms. Meenakshi S. Devgan, Advs. in W.P.(C) 10652/2024, W.P.(C) 10679/2024.

Mr. Anand Kumar & Mr. Ajit Kakkar, Advs. in W.P.(C) 10826/2024, W.P.(C) 12813/2024, W.P.(C) 14688/2024, W.P.(C) 15060/2024, W.P.(C) 16208/2024, W.P.(C) 16628/2024, W.P.(C) 703/2025, W.P.(C) 2356/2025.

Mr. Anand Kumar & Mr. Ajit Kakkar, Advs. in W.P.(C) 16229/2024.

Mr. BP Vaishnav, Mr. Vinod Kataria, Mr. Ajay Kataria & Ms. Samiksha Trivedi, Advs. in W.P.(C) 11771/2024.

Mr. Praveen Kumar Payal & Mr. Harish Kumar, Advs. in W.P.(C) 11993/2024, W.P.(C) 13996/2024, W.P.(C) 14095/2024, W.P.(C) 14100/2024, W.P.(C) 14430/2024, W.P.(C) 14592/2024, W.P.(C) 14612/2024, W.P.(C) 14871/2024, W.P.(C) 14967/2024, W.P.(C) 15512/2024.

Mr. U.S. Maurya, Adv. in W.P.(C) 12058/2024, W.P.(C) 14614/2024.



Mr.Baljeet Singh & Mr.A.K. Chaudhary, Adv. in W.P.(C) 448/2025.

Mr. Ajit Kakkar, Adv. in W.P.(C) 12741/2024.

Mr.Virender Singh Kadian, Adv. in W.P.(C) 13350/2024.

Mr.V.S. Kadian, Adv. in W.P.(C) 13426/2024, W.P.(C) 14428/2024, W.P.(C) 15975/2024, W.P.(C) 16555/2024, W.P.(C) 17248/2024, W.P.(C) 17719/2024, W.P.(C) 17742/2024, W.P.(C) 50/2025, W.P.(C) 536/2025, W.P.(C) 2191/2025.

Mr.Kshitij Mittal, Adv. in W.P.(C) 13549/2024.

Mr. V.K. Kadian, Adv. in W.P.(C) 13921/2024.

Mr.Praveen Kumar & Mr.Harish Kumar, Adv. in W.P.(C) 13952/2024, W.P.(C) 15677/2024, W.P.(C) 16183/2024, W.P.(C) 16576/2024, W.P.(C) 247/2025, W.P.(C) 334/2025, W.P.(C) 1208/2025, W.P.(C) 2393/2025, W.P.(C) 2774/2025.

Mr.Chinta Surya Prakash, Adv. in W.P.(C) 14118/2024.

Mr.Satya Ranjan, Adv. in W.P.(C) 14637/2024.

Mr.Praveen Kumar, Adv. in W.P.(C) 14950/2024, W.P.(C) 17690/2024, W.P.(C) 2694/2025.

Mr.Bipin Bihari, Adv. in W.P.(C) 15013/2024, W.P.(C) 17329/2024, W.P.(C) 2840/2025.

Ms.Deepika Sheoran, Mr.Baljeet Singh & Mr.A.K. Chaudhary, Adv. in W.P.(C) 15050/2024.

Mr.Abhishek Ritabh Shukla & Ms.Chahat Raghav, Adv. in W.P.(C) 15212/2024.

Mr.Harender Kumar Sangwan & Mr.Naveen Kumar Vyas, Adv. in W.P.(C) 16191/2024.

Mr.G.K. Pathak, Mr.Ashutosh Singh, Mr.Shiv Ram Singh, Mr.Saksham Verma, Mr.Rakshit Rai & Mr.Dinesh kumar, Adv. in W.P.(C) 16315/2024.

Mr.Khowaja Siddiqui, Mr.Ashwini Kumar, Mr.Sohail Khan, Mr.Jay Singh, Mr.Tanuj Jaglan & Mr.Arbaaz Khan, Adv. in W.P.(C) 16356/2024.

Mr.Nawneet Krishna Mishra, Adv. in W.P.(C) 16437/2024.

Mr. Ajay Bhalla, Adv. in W.P.(C) 17854/2024.

Mr.Baljeet Singh, Adv. in W.P.(C) 589/2025.

Mr.Ramniwas Bansal, Adv. in W.P.(C) 1076/2025.

Mr.Indra Sen Singh, Mr.Abhishek Singh, Mr.Nasir Mohammad, Ms.Kaberi Sharma, Adv. in WP(C) 962/2025



CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

J U D G M E N T

SHALINDER KAUR, J.

1. These petitions have been filed under Article 226 of the Constitution of India, challenging different but comparable orders passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi (herein referred to as, 'Tribunal'), whereby the learned Tribunal allowed the Original Applications (O.As.) filed by the respondents herein, holding that the respondents are entitled to the grant of disability pension for their respective disabilities.

2. For the sake of convenience, and since the issue involved in these petitions pertains to the disability suffered by the Armed Forces personnel due to some illness while being in military service, the facts of W.P.(C) 140 of 2024 are discussed herein to establish the context pertaining to the present batch of petitions.

3. The condensed factual overview is that the respondent was commissioned into the Indian Army on 10.06.1989 and retired from service on 30.06.2021 upon attaining the age of superannuation. On 18.01.2012, while the respondent was posted at Headquarters 41 Artillery Division, Pune, he was diagnosed with Diabetes Mellitus Type-II and was recommended to be placed in the Low Medical Category (P2-Permanent). However, he completed the full length of his service.



4. At the time of his retirement, since the respondent was placed in the Low Medical Category, he was examined by a duly constituted Release Medical Board (RMB). As per the RMB proceedings dated 24.02.2021, the disability of the respondent, namely Diabetes Mellitus Type-II, was assessed at 20% for life and was held to be neither attributable to nor aggravated by military service. Resultantly, he was held not entitled to grant of disability pension upon his superannuation from service on 30.06.2021.

5. The respondent, therefore, filed an initial disability claim, which was adjudicated and rejected by the Competent Authority *vide* letter dated 12.08.2021. Aggrieved by the decision of the Competent Authority, on 01.10.2021, the respondent preferred a First Appeal against the rejection of the disability pension claim, which also was rejected by the Appellate Committee on First Appeals *vide* its letter dated 29.04.2022.

6. Dissatisfied by the rejection of his claim for disability pension, the respondent filed an O.A., bearing O.A. No. 1021/2022.

7. The learned Tribunal allowed the O.A., basing its decision on ***Dharamvir Singh v. Union of India & Ors***, (2013) 7 SCC 316, while holding that the disease would be deemed to be 'attributable to service' when there was no record at the time of recruitment indicating that the respondent was suffering from any such medical condition. Accordingly, the respondent was held eligible for grant of the disability pension. The learned Tribunal directed the petitioners to grant to the respondent the benefit of the disability element of pension at 20% for life, to be rounded off to 50% for life, in view of the decision of the



Supreme Court in *Union of India v. Ram Avtar*, Civil Appeal No. 418 of 2012.

8. The petitioners, Union of India, through the present petitions, assail the Impugned Orders passed by the learned Tribunal and have invoked the writ jurisdiction of this Court challenging the same on the ground that the RMB had clearly opined that the respondent's medical condition was neither attributable to nor aggravated by military service, thus, according to the petitioners, the respondent is not entitled to disability element of pension.

**SUBMISSIONS ON BEHALF OF THE LEARNED ATTORNEY
GENERAL ON BEHALF OF THE PETITIONERS:**

9. The learned Attorney General submitted that in the present batch of petitions, none of the individuals have been 'invalidated out of service'. Consequently, not a single one of them is, *per se*, eligible to be considered for the award of disability pension. He submitted that though individuals who are retained in service despite having a disability which is held to be attributable to or aggravated by military service, and assessed at not less than 20%, and who subsequently retire or are released/ discharged upon completing their terms of engagement, tenure, or upon attaining the age of retirement, are eligible to be considered for the award of disability element, however, like in the case of present respondents, if the disability is held to be neither attributable to nor aggravated by military service, such individual shall only receive their Retiring Pension/ Gratuity or Service Pension/ Gratuity.

10. He submitted that the learned Tribunal has relied on the Entitlement Rules, 1982, which do not apply to the cases under



consideration in this batch of petitions, because the Government of India (GoI), Ministry of Defence, has revised the Entitlement Rules in 2008, thereby bringing about a clear shift in policy. He contended that in some cases, the learned Tribunal erred in though referring to the Entitlement Rules, 2008, however, relying upon case laws that were decided on the basis of the Entitlement Rules, 1982. Such a departure from the provisions clearly enunciated by the GoI, has rendered its policies on the subject completely irrelevant, redundant and ineffective.

11. The learned Attorney General submitted that the rule of 'Presumption' regarding disability is no longer part of the Entitlement Rules, 2008. He pointed out that this 'Presumption' existed under Rule 5 of the Entitlement Rules, 1982, which established a general presumption that a member of the Armed Forces is deemed to have been in sound physical and mental health upon entering service, unless any physical disabilities were noted or recorded at the time of enlistment, and furthermore, if an individual is discharged on medical grounds, it is to be presumed that deterioration in his health occurred due to service conditions. He submitted that in terms of Rule 6 of the Entitlement Rules, 2008, there must be a 'causal connection' between the disability or death and military service, and that this is a necessary pre-condition for the award of any compensation. Since all the respondents retired after the Entitlement Rules, 2008 came into effect, therefore, the amended Rules would be applicable in their case.

12. The learned Attorney General submitted that in the instant cases, the disabilities of the respondents were assessed by the RMB as well as by the Competent/Appellate Authorities as '*neither attributable to nor*



aggravated by the military service', after considering their entire medical history and service record. Hence, the respondents are not entitled to the award of the disability element of pension.

13. Further, while relying on Rule 10 of the Entitlement Rules, 2008, he submitted that the said Rule outlines two conditions that must be simultaneously satisfied for a disability to be held attributable to military service, that are, a) that the disease has arisen during the period of military service; and b) that the disease has been caused by the conditions of employment in the military service.

14. He submitted that medical tests conducted at the time of induction into service are primarily intended to confirm a candidate's general fitness for military service and are neither exhaustive nor diagnostic in nature. As a result, medical authorities assessing recruits/candidates at the time of entry may not always be able to detect pre-existing medical conditions, or such conditions may manifest later, irrespective of service conditions. Consequently, to hold the military service liable for every such medical condition merely because it was not recorded at the time of entry, without applying the crucial test of 'causal connection' between the medical condition and military service would be incorrect.

15. The learned Attorney General further submitted that the learned Tribunal's reliance upon ***Dharamvir Singh*** (supra) is misplaced, as the said decision is based on the Entitlement Rules, 1982 and not on the amended Rules of 2008.

16. He submitted that the learned Tribunal has also erred in referring to the decisions ***Union of India v. Rajbir Singh***, (2015) 12 SCC 264 and



Union of India v. Manjeet Singh, (2015) 12 SCC 275, as both these judgments are premised on the Judgment passed in the case of *Dharamvir Singh* (supra). He submitted that these decisions do not come to the aid of respondents since they are based on the Entitlement Rules, 1982, which are not applicable in the present petitions.

17. He further submitted that all the respondents have superannuated after completing their full length of service; and that the competent medical body, that is, the RMB, had found their disability to be neither attributable to nor aggravated by military service. Being a Board comprised of medical experts, the learned Tribunal could not have interfered with their opinion on certain conclusions and thereby, assuming the role of stretching/ establishing 'causal connection' beyond permissible limits without any basis in medical science.

18. The learned Attorney General next submitted that an individual has the right to appeal against the rejection of entitlement, and a statutory right to challenge the decision of the Competent Authority by filing a First and Second appeal. He contended that, in most of the present cases, the learned Tribunal has allowed the petitions without considering whether the individual had exercised this remedy. Such an approach, he submitted, not only renders the relevant statutes, rules, and remedies redundant, but also bypasses the built-in system of review and scrutiny. This hierarchy instills the appellate bodies with adequate expertise in service matters pertaining to medical, financial, and legal issues, and these forums are specifically designed to review such cases effectively.



19. He further submitted that the medical conditions such as ‘Hypertension’ and ‘Diabetes’ are very common across the world and affect individuals irrespective of age, class, region, vocation, and are lifestyle diseases. The Guide to Medical Officers (Military Pension), 2002/2008 (hereinafter referred to as the, ‘GMO’), categorically provides the factors that must be considered by the RMB while assessing whether the disease of an individual is attributable to or aggravated by military service.

20. Concluding his submissions, the learned Attorney General submitted that the medical board consists of experts who thoroughly assess individuals and their complete medical history in accordance with the relevant medical provisions. Based on this examination, they determine whether the disability can be considered attributable to or aggravated by military service. Therefore, the Courts, within their limited scope of judicial review, should refrain from disputing the opinion of the medical board unless there is compelling medical evidence on record to contradict it. Accordingly, he prayed that the present petitions be allowed and the Impugned Orders passed by the learned Tribunal be set aside.

**SUBMISSIONS ON BEHALF OF THE LEARNED COUNSELS
FOR THE RESPONDENT(s):**

21. The learned counsels appearing on behalf of the respondents supported the Impugned Orders and submitted that the petitioners are not justified in contending that the decision rendered in ***Dharamvir Singh*** (supra) would no longer be applicable in the present cases. They



urged that Regulation 423 of the Regulations for the Medical Services of the Armed Forces, 1983, which formed the basis of the judgment in ***Dharamvir Singh*** (supra), continues to remain in force and has not undergone any change. In view thereof, it is submitted that unless the Medical Board records cogent and specific reasons for supporting the opinion that the disability is neither attributable to nor aggravated by military service, a presumption in favour of the concerned service personnel/officer would still be attracted.

22. It is further contended that in the present cases, the Medical Board has failed to assign any specific or cogent reason for arriving at the conclusion that the disability with which the respondents were found to be afflicted at the time of their discharge was neither attributable to nor aggravated by military service. It is urged that the only observation made by the Medical Boards in the present batch of matters is that the onset of the disability occurred in a peace area, and therefore, it was held to be neither attributable to nor aggravated by military service. Such a conclusion, it is submitted, cannot be said to satisfy the requirement under Paragraph 423 of the Regulations for the Medical Services of the Armed Forces, 1983, which casts an obligation upon the Medical Board to provide a reasoned determination on the aspect of attributability and aggravation of the disability.

23. It was submitted that 'Peace Stations' also have their own constraints, and that disability is often the cumulative effect of prolonged service-related stress. The denial of the disability element of pension solely on the basis that the onset of the disability was noticed in



a non-field (Peace) Station is discriminatory was, therefore, unsustainable.

24. The learned counsel for the respondents further submitted that a high-level committee of the Ministry of Law and Justice had directed the Ministry of Defence to withdraw pending appeals in ‘neither attributable to nor aggravated (NANA)’ cases before the Supreme Court, *vide* letter dated 07.02.2019, and also cautioned against filing such appeals. However, the Union of India has continued to file writ petitions on similar grounds, attempting to reopen the settled matters. In these circumstances, they prayed that the writ petitions be dismissed.

ANALYSIS AND CONCLUSION:

25. Having considered the submissions of the learned counsels for the parties and perused the record, we may begin by noting that the disability compensation policies within the Indian Armed Forces are well-structured, with comprehensive provisions. The Entitlement Rules for Casualty Pensionary Awards to Armed Forces Personnel (hereinafter referred to as the, ‘Entitlement Rules’), as notified by the Ministry of Defence, serve as the guiding framework for granting disability and other pensionary awards to Armed Forces personnel in cases of death or disability arising due to service. These Rules also address the process of assessment and entitlement.

26. For context, it must be noted that the Disability Pension is a composite monthly package which consists of two components: the Service Element and the Disability Element. The Service Element is equivalent to 50% of the last reckonable emoluments drawn at the time of invalidation, while the Disability Element, for a 100% disability,



amounts to 30% of the last reckonable emoluments and is proportionally reduced for lower disability percentages.

27. In all the Armed Forces, eligibility for Disability Compensation is generally subject to the satisfaction of two key conditions: (a) the presence of a disability assessed at 20% or more, and (b) such disability must be attributable to or aggravated by military service.

28. The purpose of granting Disability Pension to personnel of the Indian Armed Forces is to provide necessary financial support to those who have sustained a disability or illness during the course of their service due to service conditions. It is not an act of generosity, but a rightful and just acknowledgement of the sacrifices endured by them, which manifest in the form of disabilities/disorders suffered during the course of their military service. Such pension ensures that a soldier who suffers injury or disability due to service conditions is not left without support and is able to live with financial security and dignity. It is a measure that upholds the State's responsibility towards its soldiers, who have served the nation with courage and devotion.

29. Insofar as the legal position for the grant of Disability Pension is concerned, the Supreme Court in ***Sukhwinder Singh v. Union of India & Ors*** (2014) 14 SCC 364, has emphasized the importance of grant Disability Pension, by observing as under:

“11.Secondly, the morale of the armed forces requires absolute and undiluted protection and if an injury leads to loss of service without any recompense, this morale would be severely undermined.....”



30. The Entitlement Rules, 2008, further recognize that the benefit of Disability Pension is not restricted solely to personnel who have been invalidated from service, it also extends to those who have retired, superannuated, or completed their tenure with the Armed Forces. In this regard, the Supreme Court, in ***Union of India v. Angad Singh Titaria***, (2015) 12 SCC 257, observed as follows:

“10. Rule 4 of the Entitlement Rules makes it clear that invalidating from service is a necessary condition for grant of disability pension. An individual who, at the time of his release under the Release Regulations, is in a lower medical category than that in which he was recruited will be treated as “invalidated from service.”

31. We now turn to the issue before us as to whether an Armed Forces personnel who suffers from a disease or disability during service, which was absent at the time of entry into the military, would be considered as suffering from a disability attributable to or aggravated by service in accordance with the Entitlement Rules of 2008.

32. The main submission raised on behalf of the petitioners is that a presumption cannot be drawn on the disability being attributed to or aggravated by service, solely on the basis that such disability was recorded at the time of the respondents’ induction into service. It is to be considered on medical examination, whether the disease, as subsequently manifested in the respondents, can truly be held to be attributable to or aggravated by military service. It is asserted that in the present petitions, none of the respondents fulfill the necessary



conditions to support such a conclusion in their favour. Therefore, they are not entitled to the grant of Disability Pension.

33. On the other hand, the learned counsels for the respondents submitted that where, at the time of joining the forces, there is no record of the personnel suffering from any disease/disability, and the personnel is subsequently, during military service or at the time of invalidation out of service or upon being discharged or superannuation, discovered to be suffering from such disease/disability, there shall be a presumption that such disease/disability is attributable to or aggravated by service condition and that such personnel is entitled to receive Disability Pension.

34. Before delving into the merits of the petitions, we may examine the brief background regarding the grant of Disability Pension to an Armed Forces personnel. The Pension Regulations for the Army, Navy, and Air Force have consistently provided for the grant of disability compensation to Force personnel who incur wounds, injuries, or other disabilities. Such compensation remains contingent upon the determination of entitlement by the Competent Authorities, as well as the fulfillment of the prescribed minimum assessment of such disabilities. These regulatory provisions trace their origin to the late 19th century under the British Indian Army and have since evolved through various modifications and amendments. The Entitlement Rules, along with the Guide to Medical Officers (Military Pensions), governing the disability element of pension, were last promulgated in the year 2008.



35. To appreciate the submissions of the petitioners, we begin by examining the relevant provisions of the Entitlement Rules of 1982, which are as follows:

“5. The approach to the question of entitlement to casualty pensionary awards and evaluation of disabilities shall be based on the following presumptions: -

Prior to and during service

- a) A member is presumed to have been in sound physical and mental condition upon entering service except as to physical disabilities noted or recorded at the time of entrance.*
- b) In the event of his subsequently being discharged from service on medical grounds any deterioration in his health, which has taken place, is due to service.”*

36. Rule 9, which places the onus of proof upon the establishment, reads as under:

"Onus of proof

9. The claimant shall not be called upon to prove the conditions of entitlement. He/she will receive the benefit of any reasonable doubt. This benefit will be given more liberally to the claimants in field/afloat service cases.”

37. Rule 14 may also be referred to. For ease of reference, the same is reproduced as under:

“Diseases

14. In respect of diseases, the following rule will be observed:-

- (a) Cases in which it is established that conditions of Military Service did not determine or contribute to the onset of the disease but influenced the subsequent courses of the disease,*



will fail for acceptance on the basis of aggravation.

(b) A disease which has led to an individual's discharge or death will ordinarily be deemed to have arisen in service, if no note of it was made at the time of the individual's acceptance for military service. However, if medical opinion holds, for reasons to be stated, that the disease could not have been detected on medical examination prior to acceptance for service, the disease will not be deemed to have arisen during service.

(c) If a disease is accepted as having arisen in service, it must also be established that the conditions of military service determined or contributed to the onset of the disease and that the conditions were due to the circumstances of duty in military service."

38. In this context, it would be important to note the decision in ***Dharamvir Singh*** (supra), which examined the Entitlement Rules of 1982 in relation to the award of the disability element of pension. The relevant extract is reproduced below:

"29. A conjoint reading of various provisions, reproduced above, makes it clear that:

29.1. Disability pension to be granted to an individual who is invalided from service on account of a disability which is attributable to or aggravated by military service in non-battle casualty and is assessed at 20% or over. The question whether a disability is attributable to or aggravated by military service to be determined under the Entitlement Rules for Casualty Pensionary Awards, 1982 of Appendix II (Regulation 173).

29.2. A member is to be presumed in sound physical and mental condition upon entering



service if there is no note or record at the time of entrance. In the event of his subsequently being discharged from service on medical grounds any deterioration in his health is to be presumed due to service [Rule 5 read with Rule 14(b)].

29.3. *The onus of proof is not on the claimant (employee), the corollary is that onus of proof that the condition for non-entitlement is with the employer. A claimant has a right to derive benefit of any reasonable doubt and is entitled for pensionary benefit more liberally (Rule 9).*

29.4. *If a disease is accepted to have been as having arisen in service, it must also be established that the conditions of military service determined or contributed to the onset of the disease and that the conditions were due to the circumstances of duty in military service [Rule 14(c)].*

29.5. *If no note of any disability or disease was made at the time of individual's acceptance for military service, a disease which has led to an individual's discharge or death will be deemed to have arisen in service [Rule 14(b)].*

29.6. *If medical opinion holds that the disease could not have been detected on medical examination prior to the acceptance for service and that disease will not be deemed to have arisen during service, the Medical Board is required to state the reasons [Rule 14(b)]; and*

29.7. *It is mandatory for the Medical Board to follow the guidelines laid down in Chapter II of the Guide to Medical Officers (Military Pensions), 2002 — “Entitlement: General Principles”, including Paras 7, 8 and 9 as referred to above (para 27).”*

39. From the above decision, it is evident that the Supreme Court has emphasized that if no disability or disease is recorded at the time of a



person's enrolment in the Armed Forces, and if the medical authorities fail to provide valid reasons for their inability to detect the disease at that time, it should be presumed that the disability is attributable to or has arisen during the service. The burden of proof lies with the employer to establish the non-entitlement of the personnel to the disability pension.

40. The aforementioned Rules of 1982 were also analyzed by the Supreme Court in the case of **Rajbir Singh** (supra), wherein it was held as under:

“10. From a conjoint arid harmonious reading of Rules 5, 9 and 14 of Entitlement Rules (supra) the following guiding principles emerge;

- i) a member is presumed to have been in sound physical and mental condition upon entering service except as to physical disabilities noted or recorded at the time of entrance;*
- ii) in the event of his being discharged from service on medical grounds at any subsequent stage it must be presumed that any such deterioration in his health which has taken place is due to such military service;*
- iii) the disease which has led to an individual's discharge or death will ordinarily be deemed to have arisen in service, if no note of it was made at the time of the Individual's acceptance for military service; and*
- iv) if medical opinion holds that the disease, because of which the individual was discharged, could not have been detected on medical examination prior to acceptance of service, reasons for the same shall be stated.”*

41. *Howbeit*, the Entitlement Rules of 1982 have been superseded by the Entitlement Rules of 2008. Rule 5 thereof is vital, as it outlines the



significance of the medical tests conducted by the military at the time of an individual's induction into service. The Rule reads as follows:

“ Rule 5:Medical Test at entry stage:

The medical test at the time of entry is not exhaustive, but its scope is limited to broad physical examination. Therefore, it may not detect some dormant disease. Besides certain hereditary constitutional and congenital diseases may manifest later in life, irrespective of service conditions. The mere fact that a disease has manifested during military service does not per se establish attributability to or aggravation by military service”

42. We must also note Rules 6, 7, 10 and 11, which address the concept of ‘casual connection’, ‘onus of proof’, and the criteria for treating injuries/diseases as attributable to or aggravated by service conditions. These Rules encompass the circumstances relevant to the award of the disability element of pension. The Rules are as follows:

“Rule 6:Causal connection:

For award of disability pension/special family pension, a causal connection between disability or death and military service has to be established by appropriate authorities.

Rule7:Onus of Proof:

Ordinarily the claimant will not be called upon to prove the condition of entitlement. However, where the claim is preferred after 15 years of discharge/retirement/invalidment/ release by which time the service documents of the claimant are destroyed after the prescribed retention period, the onus to prove the entitlement would lie on the claimant.

Rule 10:Attributability:

(a) Injuries



In respect of accidents or injuries, the following rules shall be observed:

- (i) Injuries sustained when the individual is 'on duty', as defined, shall be treated as attributable to military service, (provided a nexus between injury and military service is established).*
- (ii) In cases of self-inflicted injuries while 'on duty' attributability shall not be conceded unless it is established that service factors were responsible for such action.*

*(b) **Diseases:***

- (i) For acceptance of a disease as attributable to military service, the following two conditions must be satisfied simultaneously: -*
 - (a) that the disease has arisen during the period of military service, and;*
 - (b) that the disease has been caused by the conditions of employment in military service*
- (ii) Disease due to infection arising in service other than that transmitted through sexual contact shall merit an entitlement of attributability and where the disease may have been contacted prior to enrolment or during leave, the incubation period of the disease will be taken into consideration on the basis of clinical course as determined by the competent medical authority.*
- (iii) If nothing at all is known about the cause of disease and the presumption of the entitlement in favour of the claimant is not rebutted, attributability should be conceded on the basis of the clinical picture and current scientific medical application.*
- (iv) When the diagnosis and/or treatment of a disease was faulty, unsatisfactory or delayed due to exigencies of service, disability caused due to any adverse effects arising as a complication shall be conceded as attributable.*



11. Aggravation:

A disability shall be conceded aggravated by service if its onset is hastened or the subsequent course is worsened by specific conditions of military service, such as posted in places of extreme climatic conditions, environmental factors related to service conditions e.g. Fields, Operations, High Altitudes etc.”

43. A symbiotic reading of the above Rules reveals that the amendments introduced by the Entitlement Rules of 2008 altered the legal position that existed under the Entitlement Rules of 1982. Under the earlier Entitlement Rules, there existed a presumption in favour of the claimant, particularly in terms of Rule 5. This presumption was removed by the amendment. Specifically, the earlier provision regarding the onus of proof stated that “the claimant shall not be called upon to prove the conditions of entitlement”, which has been revised to read that “ordinarily the claimant will not be called upon to prove the conditions of entitlement.” Further, Rules 13 and 14 of the earlier Entitlement Rules, provided that injuries and diseases “shall be deemed” or “ordinarily be deemed” to have resulted from military service. The revised Rules now stipulate that attributability shall be conceded only when a clear nexus between the injury and military service is established.

44. For the purpose of further delving into the pleas raised by the parties, it is necessary to analyze the impact of the changes introduced by the new Entitlement Rules of 2008.



45. The Kerala High Court in ***Union of India & Ors v. Bhaskaran. N***, 2024 SCC OnLine Ker 7023, while examining the Entitlement Rules, 2008, held as under:

“45. By employing the word “ordinarily”, the rule-making authority has obviously diluted the rigor of the burden which was on the establishment under the Rules of 1982. The intention is very clear that in all cases and under all circumstances it shall no longer be the burden of the establishment to show that the employee is not entitled for the benefit. In appropriate cases the employee shall discharge the onus of proof to seek the benefit. The learned Senior Central Government Counsel placed emphasis on this Rule and argued that the same has made a drastic change in the matter of onus of proof. According to the learned counsel, claimants cannot no longer raise a demand and leave it to the establishment to rebut. We shall now examine this contention. We note that the second part of Rule 7 opens with the expression “however” and the said sentence operates like a proviso carving out exception to the general rule found in the previous sentence. Reason for providing the exception is also clear from the latter sentence that; when claim is preferred after 15 years, by that time, the service documents of the claimant would be destroyed. Hence, ostensibly, the rule making authority altered the tenor of the rule regarding onus of proof in view of the fact that when belated claims are raised the establishment will not be in possession of the relevant records and in such situations the employee may obtain undue advantages. Unscrupulous persons waiting for destruction of records and raising claims thereafter is also a conceivable situation. Nonetheless, the intention of the rule makers



regarding claims made within 15 years discernible from the language employed, is that the onus will continue to be primarily on the Department. We therefore hold with respect to Rule 7 of the Entitlement Rules of 2008 that the said provision does not exonerate the establishment totally from the burden of proof and in all cases in which the claim is raised within 15 years from the date of discharge/retirement/invalidment/release, the onus of proof will be primarily on the Department. Only in cases wherein claims are raised after 15 years, the burden will be entirely on the claimant. While holding thus, we have kept in mind the observation of the Supreme Court in Union of India v. Vijay Kumar that the Entitlement Rules are beneficial in nature and ought to be liberally construed.”

46. Furthermore, a similar issue came up before a Co-ordinate Bench of this Court in ***Union of India & Ors v. Ex Sub Gawas Anil Madso***, 2025:DHC:2021-DB, wherein it was held as under:

“The effect of the change in policy in the 2008 Entitlement Rules

67. Much has been sought to be made, before us, about the fact that the presumption of attributability, contained in Rule 5 of the 1982 Entitlement Rules, has been done away with, in the 2008 Entitlement Rules. We have also, therefore, compared the Rules.

*68. It is true that the 2008 Entitlement Rules does not contain any provision presuming that, if there is no mention of the physical disability or ailment at the time of induction of the officer in service, there would be a presumption that it was attributable to military service. **To the extent that the Court cannot presume, based on the fact that the records at the time of induction of***



the officer in military service did not indicate that he was suffering from the ailment detected later, that the ailment was attributable to military service, the petitioners are correct in their contention.

69. What, however, turns on this?

71. Having said that, we are also conscious of the indisputable legal position that there is a difference between a disease, or infirmity, arising during military service and being attributable to military service. The fact that the disease has arisen during military service does not ipso facto mean, irrevocably, that it was attributable to military service. There can be no cavil with this proposition.

72. To that extent, the amended Rule 5 in the 2008 Entitlement Rules, which proclaims that "the mere fact that a disease has manifested during military service does not per se establish attributability or aggravation by military service" is unexceptionable.

xxxx

77. It goes without saying that the mere fact that the officer may have contracted the disease during military service would not suffice to entitle him to disability pension, unless the disease was attributable to the military service. **The petitioners are also correct in their submission that, with the removal, in the 2008 Entitlement Rules, of the presumption that, if no note was entered in the record of the officer, at the time of his induction into military service, to the effect that he was suffering from the ailment, the ailment would be deemed to be attributable to military service. "**

(emphasis supplied)

47. This Court has thus observed that with the removal of the 'presumption' under the 2008 Entitlement Rules, the absence of a note



regarding the disease at the time of induction no longer automatically leads to the conclusion that the disease is attributable to military service, however, under Rule 7, the onus remains on the RMB to substantiate, through cogent reasoning in its Report, that although the disease was not present at the time of induction or at least not reported/discovered, it is still not attributable to military service. This implies that the RMB must identify some other factor, apart from military service, as the cause of the disease. The RMB cannot merely assert, without adequate reasons, that the disease, though contracted during military service, is not attributable to such service.

48. This Court further held as under:

“81. That responsibility has, however, to be assiduously discharged. The RMB has to record reasons as to why it arrives at the conclusion that the disease, forming subject matter of the claim for disability pension, contracted during the military service of the officer, was not attributable to such service in the absence of any such reason, the claim of the officer, disability pension, has necessarily to sustain.

82. In the facts of the present case, we do not deem necessary to state anything further. We have already emphasised the salient features of the report of the RMB in the case of the respondent. There is candid acknowledgement, in the Report, of the fact that the Type II DM, from which the Respondent suffered, was contracted 30 years after the Respondent had entered military service. The fact that the onset of the disease was during the course of military service of the Respondent is not, therefore, in dispute. Beyond this, there is precious little, in the Report of the RMB, to indicate that the military service of the respondent was not the



cause of the disease. Inasmuch as the claim of the Respondent was not preferred more than 15 years after his discharge, the onus to establish this fact continues to remain on the RMB, even under Rule 7 of the 2008 Entitlement Rules. A mere statement that the onset of the disease was during a peace posting is clearly insufficient to discharge this onus. The judgments of the Supreme Court are consistent on the fact that the report of the RMB is required to be detailed, speaking, and supported by sufficient cogent reasons. The RMB Report, in the case of the Respondent, clearly does not satisfy these conditions.

83. While we are not doctors, it is a matter of common knowledge that Diabetes is a disease which can be caused, and exacerbated, by stressful living conditions. The fact that the onset of the disease might have been while the officer was on a peace posting cannot, therefore, be determinative of the issue of whether the disease was, was not, attributable to military service. In such a case, the RMB has a greater responsibility to identify the cause of the disease, so that a clear case, dissociating the disease and its onset, from the military service of the claimant officer, is established.

*84. This would be all the more so when, as in the case as the present, the disease has manifested 3 decades after the officer has been enrolled into military service. By certifying that the disease is not owing to any negligence on the part of the officer, there is an implied acknowledgement that the Respondent cannot be said to be responsible for the Type II DM from which he suffers. **It was for the RMB, in such circumstances, to identify the cause of the disease, in its report. This, the RMB has, in the present case, clearly failed to do.***



(emphasis supplied)

49. With the above observations, the Co-ordinate Bench of this Court dismissed the writ petitions involving similar issues. We find ourselves in agreement with the aforementioned observations, namely that although the Rule on presumption has been modified, the RMB ought to have provided specific reasons for not considering the disability/disease suffered by the respondents as attributable to or as aggravated by service, especially when the onus in this regard remains with the petitioners.

50. In this regard, it is further relevant to note the observations of the Supreme Court in the ***Rajumon T.M. v. Union of India & Ors.***, 2025 SCC OnLine SC 1064, the relevant portions of which reads as under:

“20. In our opinion, the requirement to give reasons by the Medical Board is crucial, critical, decisive and necessary for the purpose of granting or denying disability pension and it is not a mere formality, but a necessary material on the basis of which the pension sanctioning authority has to decide about the grant or refusal of disability pension.

21. As noticed above, it has been specifically provided under Clause (d) of Regulation 423 as quoted that the question as to whether the disability is attributable to or aggravated by service or not, will be decided as regards its medical aspects by the Medical Board and the Medical Board will specify reasons for their opinion and the question whether the cause and attendant circumstances can be attributed to service will be decided by the pension sanctioning authority.

22. Thus, this requirement to give reasons by the Medical Board about their opinion is in our view



absolutely necessary as also required under Regulation 423(d) for the reason that the fate of the future career of the serviceman is going to be decided by the opinion of the Medical Board, which is to be treated as final as regards the cause of disability and the circumstances in which the disability originated. The continuation of the service of the concerned serviceman and as to whether he will be entitled to disability pension is dependent on the opinion of the Medical Board which is also to be treated as the final one.

23. Hence, the rules mandate giving of reasons by the Medical Board while rendering its opinion. The reasons given by the Medical Board would obviously be the basis for determination by the competent authority whether the serviceman would be discharged from service and whether he would get disability pension.

24. Accordingly, in our opinion, if the serviceman is discharged from service or denied the disability pension on the basis of a medical opinion which is devoid of reasons, it would strike at the root of the action taken by the authority and such action cannot be sustained in law.

25. We, therefore, hold that if any action is taken by the authority for the discharge of a serviceman and the serviceman is denied disability pension on the basis of a report of the Medical Board wherein no reasons have been disclosed for the opinion so given, such an action of the authority will be unsustainable in law.

(emphasis supplied)

51. In view of the above, it is essential for the Medical Boards to record and specify the reasons for their opinion as to whether the



disability is to be treated as attributable to or aggravated by military service, especially when the pensionary benefits of the Force personnel are at stake.

52. The position of law is well settled that the opinion given by the Medical Boards must be given due weightage and primacy in determining whether the injuries or illness sustained during service were due to or aggravated by military service, and whether they contributed to the individual's invalidation from service. In this context, it is relevant to note the decision of the Supreme Court in **Narsingh Yadav v. Union of India**, (2019) 9 SCC 667, which reads as under:

“21. Though, the opinion of the Medical Board is subject to judicial review but the courts are not possessed of expertise to dispute such report unless there is strong medical evidence on record to dispute the opinion of the Medical Board which may warrant the constitution of the Review Medical Board.....”

53. Particularly in this milieu, it is of paramount importance that Medical Boards record clear and cogent reasons in support of their medical opinions. Such reasoning would not only enhance transparency but also assist the Competent Authority in adjudicating these matters with greater precision, ensuring that no prejudice is caused to either party.

54. Reverting back to the present matter, according to the factual matrix discussed hereinabove, the respondent was subjected to the RMB proceedings, pursuant to which his disability was assessed as ‘Diabetes Mellitus Type-II’ at 20% for life. The opinion rendered by the Medical Board is extracted hereinbelow:



PART VII
OPINION OF THE MEDICAL BOARD

1. Please endorse diseases/dis in chronological order of occurrence:-

Disability	Attributable to service (Y/N)	Aggravated by service (Y/N)	Detailed Justification
(a) DIABETES MELLITUS TYPE-2 (E11.0).	No	No	Onset of ID in Jan 2012 at Dehradun while on leave, Indl then posted to HQ 41 Arty Div, Pune (peace area). ID is conceded as neither attributable nor aggravated by mil service as per Para 28, Chapter VI, GMD's (Mil Pension), 2008.

55. A perusal of the opinion of the RMB reveals that it has merely recorded that the onset of the disease occurred in January 2012 at Dehradun, while on leave, subsequent to which the individual was posted to Headquarters 41 Artillery Division, Pune, a peace area. On this basis, the disability was opined to be as neither attributable to nor aggravated by service conditions. However, in our opinion, the above reasoning is not relevant to the issue that was to be determined by the RMB. The disease may have been discovered when the personnel was on leave or may have been posted in the 'peace station', but what has to be ascertained is as to whether the same can be said to be attributable to or aggravated by service. For such determination, what is necessary to be taken note of is the causal effect and not the time of discovery. The RMB must come to a conclusion, after analyzing the medical history of the personnel and his/her posting profiles that the cause of the disease was not attributable to service and that such disease would not get aggravated due to service condition.

56. It must always be kept in view that the Armed Forces personnel, in defending this great nation from external threats, have to perform their duties in most harsh and inhuman weather and conditions, be it on far-flung corner of land, in terrains and atmosphere where limits of



mans survival are tested, or in air or water, where again surviving each day is a challenge, away from the luxury of family life and comforts. It is, therefore, incumbent upon the RMB to furnish cogent and well-reasoned justification for their conclusions that the disease/disability suffered by the personnel cannot be said to be attributable to or aggravated by such service conditions. This onus is not discharged by the RMB by simply relying on when such disability/disease is noticed first.

57. Although the learned Attorney General for the petitioners has strenuously urged that the RMB, at the stage of release, invalidation, or discharge, duly considers the entire medical and family history prior to arriving at a conclusion on whether the disability is attributable to or aggravated by service, however, the record suggests otherwise. It is not evident from a perusal of the RMB proceedings that such factors were taken into account by the RMB.

58. It was also contended on behalf of the petitioners that reasons are furnished by the Categorization Boards at the time when the disease is first detected in an individual. It may be so, however, at the same time the RMB, being the final assessment held at the stage of superannuation or invalidation, and whose opinion is critical for the grant or denial of Disability Pension, must record reasons, which are germane and relevant to such determination, so that the proper justification can be provided by the petitioners while granting or denying the disability element of pension. More so, in the event of a challenge to such justification, the appropriate authorities must be able to examine the reasons to determine whether they are legally sustainable. Such cryptic and unreasoned



assessment defeats the purpose behind the constitution of the Medical Boards and also leaves the Courts without adequate material to effectively adjudicate the matter before them.

59. In light of the unreasoned opinions rendered by the RMBs, this Court finds it necessary to interfere with the conclusion drawn by them. Specifically, where they have opined that the disability or disease is neither attributable to nor aggravated by military service.

60. The learned Tribunal held that the disabilities of the respondents were attributable to military service, *inter alia*, relying on ***Dharamvir Singh*** (supra). It rejected the opinion of the RMBs which stated that such diseases are not attributable to or aggravated by military service primarily solely on the fact that the onset of the disease occurred in a peace area or classified it as a lifestyle-related disorder. In cases involving Primary Hypertension, the learned Tribunal also referred to the amendment to Chapter VI of the Guide to Medical Officers (Military Pension), 2008 (GMO), particularly Paragraph 43, read in conjunction with the decision in ***Dharamvir Singh***(supra), held that such disabilities are indeed attributable to service.

61. According to Rule 1(b) of the Entitlement Rule, 2008, these Rules are to be read in conjunction with the GMO, 2008, as amended from time to time. Accordingly, a reading of the provisions of the GMO, 2008 assumes significance. Paragraph 43 of the GMO, 2008 is reproduced herein below:

“43. **Hypertension** - The first consideration should be to determine whether the hypertension is primary or secondary. If secondary, entitlement considerations should be directed to



the underlying disease process (e.g. Nephritis), and it is unnecessary to notify hypertension separately.

*As in the case of atherosclerosis, entitlement of attributability is never appropriate, but where disablement for essential hypertension appears to have arisen or become worse in service, the question whether service compulsions have caused aggravation must be considered. **However, in certain cases the disease has been reported after long and frequent spells of service infield/HAA/active operational area. Such cases can be explained by variable response exhibited by different individuals to stressful situations.** Primary hypertension will be considered aggravated if it occurs while serving in Field areas, HAA, CIOPS areas or prolonged afloat service.”*

(emphasis supplied)

62. Further, in cases of Diabetes Mellitus Type-II, Paragraph 26 of the GMO, 2008 has been referred to by the learned Tribunal. The same reads as follows:

“ 26.Diabetes Mellitus

This is a metabolic disease characterised by hyperglycemia due to absolute/relative deficiency of insulin and associated with long term complications called microangiopathy (retinopathy, nephropathy and neuropathy) and macroangiopathy.

There are two types of Primary diabetes, Type 1 and Type 2. Type 1 diabetes results from severe and acute destruction of Beta cells of pancreas by autoimmunity brought about by various infections including viruses and other environmental toxins in the background of genetic susceptibility. Type 2 diabetes is not



HLA-linked and autoimmune destruction does not play a role.

Secondary diabetes can be due to drugs or due to trauma to pancreas or brain surgery or otherwise. Rarely, it can be due to diseases of pituitary, thyroid and adrenal gland. Diabetes arises in close time relationship to service out of infection, trauma, and post surgery and post drug therapy be considered attributable.

Type 1 Diabetes results from acute beta cell destruction by immunological injury resulting from the interaction of certain acute viral infections and genetic beta cell susceptibility. If such a relationship from clinical presentation is forthcoming, then Type 1 Diabetes mellitus should be made attributable to service. Type 2 diabetes is considered a life style disease. Stress and strain, improper diet non-compliance to therapeutic measures because of service reasons, sedentary life style are the known factors which can precipitate diabetes or cause uncontrolled diabetic state.

Type 2 Diabetes Mellitus will be conceded aggravated if onset occurs while serving in Field, CIOPS, HAA and prolonged afloat service and having been diagnosed as Type 2 diabetes mellitus who are required serve in these areas.

Diabetes secondary to chronic pancreatitis due to alcohol dependence and gestational diabetes should not be considered attributable to service.”

63. It is further necessary to take note of Paragraph 47 of the GMO,2008, which pertains to cardiac diseases. The same reads as under:

*“47. **Ischaemic Heart Disease (IHD).** IHD is a spectrum of clinical disorders which includes asymptomatic IHD, chronic stable angina,*



unstable angina, acute myocardial infarction and sudden cardiac death (SCD) occurring as a result of the process of atherosclerosis. Plaque fissuring and rupture is followed by deposition of thrombus on the atheromatous plaque and a variable degree of occlusion of the coronary artery. A total occlusion results in myocardial infarction in the territory of the artery occluded.

Prolonged stress and strain hastens atherosclerosis by triggering of neurohormonal mechanism and autonomic storms. It is now well established that autonomic nervous system disturbances precipitated by emotions, stress and strain, through the agency of catecholamines affect the lipid response, blood pressure, increased platelet aggregation, heart rate and produce ECG abnormality and arrhythmias.

The service in field and high altitude areas apart from physical hardship imposes considerable mental stress of solitude and separation from family leaving the individual tense and anxious as quite often separation entails running of separate establishment, financial crisis, disturbance of child education and lack of security for family. Apart from this, compulsory group living restricts his freedom of activity. These factors jointly and severally can become a chronic source of mental stress and strain precipitating an attack of IHD. IHD arising in while serving in Field area/HAA/CI Ops area or during OPS in an indl who was previously in SHAPE-I will be considered as attributable to mil service.

Entitlement in Ischemic heart disease will be decided as follows:-

(a) Attributability will be conceded where: A myocardial infarction arises during service in close time relationship to a service compulsion involving severe trauma or exceptional mental,



emotional or physical strain, provided that the interval between the incident and the development of symptoms is approximately 24 to 48 hours. IHD arising in while serving in Field area/HAA/CI Ops area or during OPS in an indl who was previously in SHAPE-I will be considered as attributable to mil service.

Attributability will also be conceded when the underlying disease is either embolus or thrombus arising out of trauma in case of boxers and surgery, infectious diseases. E.g. Infective endocarditis, exposure to HAA, extreme heat.

(b) Aggravation will be conceded in cases in which there is evidence of:-

IHD occurring in a setting of hypertension, diabetes and vasculitis, entitlement can be judged on its own merits and only aggravation will be conceded in these cases. Also aggravation may be conceded in persons having been diagnosed as IHD are required to perform duties in high altitude areas, field areas, counter insurgency areas, ships and submarines due to service compulsions.

There would be cases where neither immediate nor prolonged exceptional stress and strain of service is evident. In such cases the disease may be assumed to be the result of biological factors, heredity and way of life such as indulging in risk factors e.g. smoking.

Neither attributability nor aggravation can be conceded in such cases.”

64. From the above-extracted paragraphs of the GMO, 2008, it is evident that the GMO recognises Ischaemic Heart Disease (IHD) as a spectrum encompassing asymptomatic IHD, chronic stable angina, unstable angina, acute myocardial infarction, and sudden cardiac death, all of which arise as a result of atherosclerosis. Prolonged stress and



strain accelerates atherosclerosis by triggering neurohormonal mechanisms and autonomic storms. The medical understanding of IHD, as extracted from the GMO, 2008, highlights that the challenges of service in field and high-altitude areas, apart from involving physical hardship, also encompass significant mental stressors. The solitude and prolonged separation from family create an environment of persistent mental strain, often compounded by other additional burdens such as concerns regarding the security of one's family and familial responsibilities. Furthermore, the constraints of compulsory group living inherently curtail personal freedom of activity.

65. Furthermore, from Paragraph 43 of the GMO, 2008, it is evident that cases of hypertension may arise due to the differing individual responses to stressful situations and can occur after prolonged and frequent spells of service in the field, high altitude, or operational areas.

66. It would also be important to note the provision relevant to attributability, that is, Regulation 423 of the Regulations for the Medical Services of the Armed Forces, 2010. The said provision reads as under:

*"423. (a). For the purpose of determining whether, the cause of a disability or death resulting from disease is or not attributable to Service. **It is immaterial whether the cause giving rise to the disability or death occurred in an area declared to be a Field Area/Active Service area or under normal peace conditions. It is however, essential to establish whether the disability or death bore a causal connection with the service conditions.***

All evidences both direct and circumstantial will be taken into account and benefit of reasonable doubt, if any, will be given to the individual. The



evidence to be accepted as reasonable doubt for the purpose of these instructions should be of a degree of cogency, which though not reaching certainty, nevertheless carries a high degree of probability. In this connection, it will be remembered that proof beyond reasonable doubt does not mean proof beyond a shadow of doubt. If the evidence is so strong against an individual as to leave only a remote possibility in his/her favor, which can be dismissed with the sentence "of course it is possible but not in the least probable" the case is proved beyond reasonable doubt. If on the other hand, the evidence be so evenly balanced as to render impracticable a determinate conclusion one way or the other, then the case would be one in which the benefit of the doubt could be given more liberally to the individual, in case occurring in Field Service/Active Service areas.

(b). Decision regarding attributability of a disability or death resulting from wound or injury will be taken by the authority next to the Commanding officer which in no case shall be lower than a Brigadier/Sub Area Commander or equivalent. In case of injuries which were self-inflicted or due to an individual's own serious negligence or misconduct, the Board will also comment how far the disablement resulted from self-infliction, negligence or misconduct.

(c). The cause of a disability or death resulting from a disease will be regarded as attributable to Service when it is established that the disease arose during Service and the conditions and circumstances of duty in the Armed Forces determined and contributed to the onset of the disease. Cases, in which it is established that Service conditions did not determine or contribute to the onset of the disease but influenced the subsequent course of the disease,



will be regarded as aggravated by the service. A disease which has led to an individual's discharge or death will ordinarily be deemed to have arisen in Service if no note of it was made at the time of the individual's acceptance for Service in the Armed Forces. However, if medical opinion holds, for reasons to be stated that the disease could not have been detected on medical examination prior to acceptance for service, the disease will not be deemed to have arisen during service.”

67. This provision was summarized in **Rajumon T.M.**(supra), wherein it was observed as under:

“17. A careful examination of Regulation 423 of the Regulation for Medical Services for Armed Forces would reveal the following aspects:

- 1. It is immaterial whether the cause giving rise to the disability or death occurred in an area declared to be a field service/active service area or under normal peace conditions*
- 2. It is, however, essential to establish that the disability or death bore a casual connection with the service conditions.*
- 3. All evidence, both direct and circumstantial, will be taken into account and benefit of reasonable doubt, if any, will be given to the individual.....”*

68. From a plain reading of Regulation 423(a) of the Regulations for the Medical Services of the Armed Forces, 2010, it is clear that whether a disability or death occurs in a Field/Active service area or under normal Peace conditions is immaterial.

69. Nonetheless, it must be noted that even in Peace Stations, military service is inherently stressful due to a combination of factors such as



strict discipline, long working hours, limited personal freedom, and constant readiness for deployment. The psychological burden of being away from family, living in isolated or challenging environments, and coping with the uncertainty of sudden transfers or duties adds to this strain. Additionally, the toll of continuous combat training further contributes to mental fatigue. Despite the absence of active conflict or the challenges of hard area postings, the demanding nature of military life at peace stations can significantly impact the overall well-being of personnel.

70. Undisputably, even when not on the front lines or in hard areas, soldiers are aware that the threat is never far away. This environment, where danger is a constant reality for their peers and could become their own at any moment, creates a persistent state of mental and emotional strain that cannot be overlooked. Thus, military service, whether in peace locations or operational zones, inherently carries stress that may predispose Force personnel to medical conditions such as hypertension.

71. Moreover, it must be noted that lifestyle varies from individual to individual. Therefore, a mere statement that a disease is a lifestyle disorder cannot be a sufficient reason to deny the grant of Disability Pension, unless the Medical Board has duly examined and recorded particulars relevant to the individual concerned.

72. Having taken note of the aforesaid, it is pertinent to refer to the decision of the Co-ordinate Bench in ***Union of India & Ors. v. WO Binod Kumar Sah (Retd)*** in W.P (C) 3918/2025, wherein it has been held as under:



“13. The mere fact that para 43 states that, in the case of an officer who was serving in field areas, HAA, CIOPS or was on prolonged afloat service when hypertension was first detected, there would be a presumption that the hypertension was attributable to, or aggravated by, military service, does not imply, as a sequitur, that, in all other cases, the presumption would be otherwise. The contrapositive cannot be implied.

14. If an officer has undergone military service for 22 years before he was found suffering from hypertension, there can, in our reckoning, be no manner of doubt that an onerous duty would be cast on the RMB to establish that the hypertension was not attributable to, or aggravated by, military service. This would have to be established by cogent material, after garnering all requisite evidence. The Supreme Court has already laid down the nature of the exercise which has to be undertaken by the RMB in such cases.”

73. A reading of the above reinforces that disability pension cannot be denied solely on the ground that the onset of the disability occurred while the Force personnel were posted at Peace Station. Furthermore, it is evident that when Force personnel have rendered prolonged military service, there exists a substantial onus on the RMB to establish that the hypertension is not attributable to or aggravated by military service.

74. It is disheartening that members of our Armed Forces are being denied disability pension solely on the aforementioned ground. This overlooks the continuous physical and mental stress faced by soldiers, regardless of their location.



75. Moreover, the petitioners have ignored the fact that many of the respondents had previously served in field areas or hard areas, only to be diagnosed with their respective disabilities later during their peace postings. Denying benefits under such circumstances not only undermines their service but also fails to acknowledge the effect of their demanding careers. Thus, the possibility cannot be ruled out that these factors jointly and severally can become a chronic source of mental stress and strain, precipitating various medical conditions such as hypertension etc.

76. Furthermore, in this regard, it is important to note that the Supreme Court in its decision in ***Union of India & Ors vs Manjeet Singh***, (2015) 12 SCC 275, held as under:

*“20.6. The burden to disprove the correlation of the disability with the Army service has been cast on the authorities by the Regulations, Rules and the General Principles and thus, any inchoate, casual, perfunctory or vague approach of the authorities would tantamount to non-conformance with the letter and spirit thereof, consequently invalidating the decision of denial. Though the causative factors for the disability have to be the rigour of the military conditions, no insensitive and unpragmatic analysis of the relevant facts is envisaged so as to render any of the imperatives in the Regulations, Rules and General Principles otiose or nugatory. **To the contrary, a realistic, logical, rational and purposive scrutiny of the service and medical profile of the member concerned is peremptory to subserve the true purport and purpose of these provisions.***

20.7. To reiterate, invalidating a member from the service presupposes truncation of his normal service tenure thus adjudging him to be unsuitable



therefor. The disability as well has to exceed a particular percentage. The bearing of the Army service as an aggravating factor qua even a dormant and elusive constitutional or genetic disability in all fact situations thus cannot be readily ruled out. Hence the predominant significance of the requirement of the reasons to be recorded by the Medical Board and the recommendations based thereon for boarding out a member from service. As a corollary, in absence of reasons to reinforce the opinion that the disability is not attributable to the Army service or is not aggravated thereby, denial of the benefit of disability pension would be illegal and indefensible."

(emphasis supplied)

77. Thus, in view of the above, the RMB must not resort to a vague and stereotyped approach but should engage in a comprehensive, logical, and rational analysis of the service and medical records of the personnel, and must record well-reasoned findings while discharging the onus placed upon it.

78. Furthermore, the benefit of the grant of disability pension must be construed liberally and extended to the deserving beneficiaries. In this regard, we may refer to the observations of the Supreme Court in **Rajbir Singh** (supra), which are as follows:

"15..... Last but not the least is the fact that the provision for payment of disability pension is a beneficial provision which ought to be interpreted liberally so as to benefit those who have been sent home with a disability at times even before they completed their tenure in the armed forces....."



79. Considering all the factors together, it is evident that the mere fact that the onset of the disease occurred during a peace area posting is not sufficient to negate the cumulative stress of military service, which can contribute to the development of diseases such as Primary Hypertension, IHD etc. The RMB's opinion that the onset took place in a peace station and therefore the disease is not attributable to or aggravated by military service cannot be sustained.

80. Accordingly, we find that the respondents' claim for the disability pension on account of Primary Hypertension, could not be outrightly rejected solely on the basis of the place of the disease's manifestation. In addition thereto, the RMB was under a duty to identify the cause of the disease in its report. In this case, however, it has clearly failed to discharge the onus placed upon it by not providing cogent reasons.

81. In view of the foregoing analysis and Paragraph 84 of the decision in ***Ex Sub Gawas Anil Madso*** (supra), which has been reproduced hereinabove, the matters that pertain to Diabetes Mellitus Type II, wherein the RMB has merely opined that the disease is not attributable to or aggravated by military service, solely based on the fact that the onset was at a peace station, cannot be sustained. The learned Tribunal has rightly allowed such O.As.

82. A similar reasoning applies uniformly to each disability under consideration in this batch of petitions. We have perused the RMB proceedings, and their findings are inadequate in all these petitions to justify the conclusion that the disability is neither attributable to nor aggravated by military service.



83. The learned Attorney General has further contended that in cases where the opinions of the RMBs are found to be unreasoned, the matters ought to be remanded for re-evaluation. Furthermore, it is stated that in many of the petitions, the respondents have not exhausted the mandatory remedies available to them in the form of First and Second appeals and have directly filed O.As. before the learned Tribunal.

84. In ordinary circumstances, we would have agreed with both the above submissions of the learned Attorney General, however, in the present cases, the respondents have been fighting for their entitlement for long and since we have heard the matters at considerable length, it would only be appropriate for this Court to adjudicate them rather than remanding the cases at this stage, which would result in further inconvenience and delay.

85. In view of the aforesaid, and considering the limited scope of the writ jurisdiction in reviewing the orders of the learned Tribunal, no case has been made out warranting interference by this Court with the decision of the learned Tribunal.

86. Accordingly, the present writ petitions stand dismissed.

SHALINDER KAUR, J

NAVIN CHAWLA, J

JULY 01, 2025/SK

[Click here to check corrigendum, if any](#)