Serial No. 19

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

WP(C) No. 1927/2025

Date of pronouncement: 14.10.2026.
Date of uploading: 15.10.2026.

Ex No. 9094882W **Sep Bodh Raj** …..Appellant(s)/Petitioner(s)
S/o Shri Sagarmal, R/o Village:
Kehrawali, PO: Ramgarh, Tehsil &
Distt. Samba-181141 (J&K)

Through: Mr. B. S. Sarmal, Advocate
Mr. Amit Singh, Advocate

vs

1. **Union of India**, Ministry of Defence, New Delhi through its Secretary -110011. ….. Respondent(s)
2. The Chief of the Army Staff, Integrated Headquarters of Ministry of Defence (Army), South Block, New Delhi-110011.
3. The Principal Controller of Defence Accounts (Pension) Allahabad- 211014 (U.P.)
4. The Officer-in-Charge, DSC Records, PIN 901277 C/O 56 APO.

Through: Mr. Vishal Sharma, DSGI (Sr. Adv) with
Mr. Karan Sharma, CGSC

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER (ORAL)
14.10.2026

Sanjeev Kumar 'J'

1. Through the medium of the instant petition, filed under Article 226 of the Constitution of India, the petitioner challenges an order and judgment dated 17.02.2025 passed by the Armed Forces Tribunal, Srinagar Bench, at Jammu **["the Tribunal"]** in O.A. No. 21/2025 titled *"Bodh Raj Vs. Union of India & Ors."*, whereby the Tribunal

has dismissed the O.A. filed by the petitioner seeking disability pension.

2. Briefly stated, the facts leading to the filing of this petition are that the petitioner was re-enrolled in Defence Security Corps (DSC) on 20.06.2016 in a fit medical condition, but later in the month of December 2020, he suffered from a disability 'DILATED CARDIOMYOPATHY WITH SEVERE LV DYSFUNCTION & NON OBSTRUCTIVE CAD'. His medical category was, accordingly, downgraded permanently. He was invalidated from service on 31.12.2022 and his composite extent of disability was assessed at 62%. The Release Medical Board, however, found the disability neither attributable to nor aggravated by military service. The petitioner was, thus, held not entitled to the disability pension.

3. The first appeal filed by the petitioner also did not succeed. While the second appeal filed by the petitioner, against the rejection of disability pension was pending, the petitioner approached the Tribunal by way of O.A. No. 104/2024 for grant of disability pension, which was disposed of by the Tribunal with a direction to the respondents to decide the pending second appeal by passing a speaking order. In compliance with the order passed by the Tribunal in the O.A., speaking order of rejection was passed by the respondents and communicated to the petitioner vide Communication dated 03.10.2024. It was this communication, which was called in question by the petitioner in O.A. No. 21/2025. The O.A. was

premised on the ground that the disability 'DILATED CARDIOMYOPATHY WITH SEVERE LV DYSFUNCTION & NON OBSTRUCTIVE CAD' was incurred by the petitioner during the course of his DSC service and therefore, was necessarily attributable to and aggravated by army service.

4. The Tribunal, having given consideration to the rival case of the parties and perused the material on record, came to the conclusion that the disability incurred by the petitioner was neither attributable to nor aggravated by army service and therefore, the petitioner was rightly not held entitled to disability pension. Reliance was placed by the Tribunal on Paragraph 8 of Chapter VIII of Guide to Medical Officers (Military Pensions), 2008, as well as Paragraph 47 of Chapter VI of the same.

5. The petitioner is aggrieved of and is before us in this petition, throwing challenge to the impugned order on the ground that the issue, which is involved for determination in this petition, is duly covered by the judgment passed by this Court in *"Union of India & Ors. Vs. Nirman Singh Jamwal"* [2025:JKLHC-JMU-3564-DB], wherein this Court has held the disability of the nature incurred by the petitioner as the one aggravated by military service. The relevant portion of the judgment is set out below

> ***".....***
> ***.....***
> ***The one line opinion of the medical board that the disability is neither attributable to nor aggravated by army service is not a substitute for clear, unambiguous and cogent medical reason to disentitle the respondent***

> ***from disability pension. As per para 47 of GMO, 2008, stress and strain associated with military service are relevant factors aggravating the disease. Apart from this, compulsory group living restricts freedom of activity. These factors jointly and severally can become chronic source of mental stress and strain precipating tan attach of IHD. These factors have not been taken into consideration by the medical board while rendering its opinion.....”***

6. In view of the aforesaid settled legal position, it does not lie in the mouth of the respondents to say that the disability suffered by the petitioner is neither attributable to nor aggravated by military service.

7. The petition is, accordingly, **allowed** and the impugned order passed by the Tribunal is set aside. The petitioner is held entitled to disability pension @ 62% rounded off to 75% w.e.f. next day from the date of his discharge, i.e., 01.01.2023.

8. ***Disposed of.***

(M A Chowdhary)
Judge

(Sanjeev Kumar)
Judge

Jammu
14.10.2026
Vishal Sharma

Whether the order is reportable?: Yes/No

Whether the order is speaking?: Yes/No