

(2025) 12 DEL CK 1853

In the Delhi High Court

Case No : Writ Petition (C) No. 19485 Of 2025

Union Of India And Ors

APPELLANT

Vs

696631 Ex Jwo Rakesh Kumar Gupta

RESPONDENT

Date of Decision : 22-12-2025

Acts Referred:

Citation : (2025) 12 DEL CK 1853

Hon'ble Judges : C. Hari Shankar, J;Om Prakash Shukla, J

Bench : Division Bench

Advocate : Sushil Kumar Pandey, Durgesh Kumar Sharma,

Final Decision : Dismissed

Judgement

C. Hari Shankar, J

1. This writ petition assails an order dated 8 October 2024 passed by the Armed Forces Tribunal "AFT" in OA 3830/2023 whereby the respondent's prayer for disability pension has been allowed.

2. Disability pension was sought on the ground that the respondent suffered from Primary Hypertension which was found to be 30% for life rounded off to 50%. The onset of the Primary Hypertension was 37 years after the respondent joined the service. No Primary Hypertension was noted at the time when the respondent was recruited.

3. The reasoning given by the Release Medical Board for holding that the respondent's Primary Hypertension was not attributable to or aggravated by service read thus:

"Primary Hypertension (Old) 1-10, Z 09, 0 - As per Para 43 of Chapter VI of GMO (Military Pension)-2008(onset in peace, no delay in diagnosis/ treatment. No close time association with CI OPS/HAA/Field Areas."

4. In 220 similar cases, in which the reasoning of the RMB is substantially the

same, including Union of India v. Ex. SGT Manoj K L Retd 2025 SCC OnLine Del 8442 and Union of India v. Rajveender Singh Mallhi 2025 SCC OnLine Del 3956 as well as Union of India v. Ex Sub Gawas Anil Madso 318 (2025) DLT 711, we have upheld the order of the AFT and dismissed the writ petition.

5. Those decisions apply, mutatis mutandis, to the present case.

6. We have not been informed that any of these decisions has been stayed or interfered with by the Supreme Court.

7. This dispute is entirely covered by the aforesaid decisions.

8. The writ petition is accordingly dismissed.

9. Compliance with the order of the AFT be positively ensured within twelve weeks from today.