

(2025) 12 DEL CK 1892

In the Delhi High Court

Case No : Writ Petition (C) No. 19736 Of 2025, Civil Miscellaneous Application
Nos. 82436, 82437, 82438 Of 2025

Union Of India And Ors.

APPELLANT

Vs

Capt.(Ts) Bhartender Singh Kanwar(Retd)(03215 F)

RESPONDENT

Date of Decision : 24-12-2025

Acts Referred:

Citation : (2025) 12 DEL CK 1892

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

Bench : Division Bench

Advocate : Arunima Dwivedi, Himanshi Singh, Monalisha Pradhan, Priya Khurana, Shakti Jaiswal

Final Decision : Dismissed

Judgement

C. Hari Shankar, J

1. This writ petition assails an order dated 22 November 2023 passed by the Armed Forces Tribunal "AFT" 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 32 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:

"(a) Onset of ID was in 29 Mar 2008 while serving is Port Blair (Peace Area). Detected during AME. There is no close time association with Fd/HAA/CI Ops tenure. Hence ID conceded as neither attributable nor aggravated by mil service

as per Para 43 Chapter VI GMO's Mil Pen 2008 amendment. No TOD."

4. In 223 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. Ms. Arunima Dwivedi, learned CGSC for the Union of India fairly acknowledges that this dispute is entirely covered by the aforesaid decisions.

8. The writ petition is accordingly dismissed in limine.

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