

(2025) 12 DEL CK 1889

In the Delhi High Court

Case No : Writ Petition (C) No. 19776 Of 2025, Civil Miscellaneous Application
No. 82603, 82604 Of 2025

Union Of India & Ors.

APPELLANT

Vs

Ex Mwo Umesh Chandra Mishra 649297

RESPONDENT

Date of Decision : 24-12-2025

Acts Referred:

Citation : (2025) 12 DEL CK 1889

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

Bench : Division Bench

Advocate : Raj Kumar, Manish Kumar Singh, Mritunjay, Baljeet Singh, Deepika Sheoran, Abhishek Gahlyan

Final Decision : Dismissed

Judgement

C. Hari Shankar, J

1. This writ petition assails an order dated 28 August 2023 passed by the Armed Forces Tribunal "AFT" in OA 971/2019 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 41 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) I-10, Z-09.0 - (a) The disability is a lifestyle disorder and not due to any infection.

(b) Onset in Peace Area (New Delhi) on Dec 2009. No close time association with

field services 1 year prior to onset of disease.

(c) No delay in diagnosis / Treatment

(d) No close time associated with stress and strain of military services like field area / HAA/CI Ops.

(e) Hence, NANA in terms of Para 43 of GMO (Mil Pen) 2008. (Amended)”

4. In around 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. Mr. Raj Kumar, learned CGSPC 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.