

(2025) 12 DEL CK 1845

In the Delhi High Court

Case No : Writ Petition (C) No. 19426 Of 2025 & Civil Miscellaneous Application
Nos. 80962, 80963 Of 2025

Union Of India & Ors

APPELLANT

Vs

EX SGT. Raj Kamal Srivastava

RESPONDENT

Date of Decision : 22-12-2025

Acts Referred:

Citation : (2025) 12 DEL CK 1845

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

Bench : Division Bench

Advocate : Dr. B. Ramaswamy, Manish Kumar Singh, Mritunjay, O S Punia,
Ashish Punia

Final Decision : Dismissed

Judgement

1. This writ petition assails an order dated 19 July 2023 passed by the Armed Forces Tribunal "AFT" in OA 1632/2019 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 28 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) – An Idiopathic disorder. Onset Sep 2008 while posted in peace (Jodhpur). Prior to onset Indl served in peace station since Feb 2000 no close time association with stress/strain of FD/HAA/CIOPs service. Hence NANA in terms of Para 43/47/14 of Ch VI of GMO 2002."

4. In 218 similar cases, in which the reasoning of the RMB is substantially the same, including Union of India v. Ex. SGT Manoj KL 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 have been stayed or interfered with by the Supreme Court.
7. Dr. B. Ramaswamy, 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.
9. Compliance with the order of the AFT be positively ensured within twelve weeks from today.