COURT NO. 3
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA 566/2021
WITH
MA 626/2021

HFL Youdhisthir Singh (Retd) ..... Applicant
Versus
Union of India & Ors. ..... Respondents

For Applicant : Mr. Manoj Kumar Gupta, Advocate
For Respondents : Mr. Waize Ali Noor, Advocate

CORAM
HON'BLE MS. JUSTICE NANDITA DUBEY, MEMBER (J)
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER

MA 626/2021

Keeping in view the averments made in this application and finding the same to be bona fide, in the light of the decision in the case of *Union of India and others* Vs. *Tarsem Singh* [(2008) 8 SCC 648], the instant application is allowed condoning the delay in filing the OA.

2. The MA stands disposed of.

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3. Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this OA seeking the following reliefs :-

"(a) To direct the respondents to grant the disability pension @ 30% broad banded to 50% for life in view of the

Hon'ble Apex Court Judgment in Rajbir Singh (Supra) and Dharamvir Singh (Supra) by treating the disabilities as attributable and aggravated to Military service.

(b) To direct the respondents to set aside the Impugned Order and pay the due arrears of disability pension with interest @10% p.a. with effect from the date of retirement with all the consequential benefits, or

(c) To pass such further order or orders, direction/directions as this Hon'ble Tribunal may deem fit and proper in accordance with law."

4. The facts in brief are that the applicant was enrolled into Indian Air Force in the year 1979 and after 34 years of service was diagnosed with the disability of **Primary Hypertension** on 13th August, 2013. The applicant was produced before the Release Medical Board (RMB) which assessed the disability of the applicant @ 30% for life but declared it neither attributable to nor aggravated (NANA) by Military Service as a result whereof he was released from service on 31st December, 2016 in low medical category.

5. The contention of the applicant is that at the time when he was enrolled into Air Force service, he was hale and hearty and was medically and physically fit. It is further contended though his being in low medical category, he has been denied disability pension on the ground that the onset of the disease was at peace station. It is further submitted that due to the duties of an examiner assigned to him to conduct examination of potential

candidates at different Air Force Stations, he was bound to work for longer hours resulting in high blood pressure for the first time in 2013 after around 34 years of continuous service. It is inter alia contended that in addition to combat duties, he had also been assigned other types of duties as well where he had to work for long hours which added to his stress level. It is further contended that his work also included maintenance and repair of safety equipments which required extra working hours and to a great extent has impacted his health but in spite thereof he had been performing his duties with great enthusiasm and zeal. It is the contention of the applicant that just to deny him disability pension, the Release Medical Board held the disability of Primary Hypertension as NANA.

6. Per contra, the respondents have stated that since the disability of the applicant assessed @ 30% for life was declared NANA, therefore, he is not entitled to disability pension. Their further contention is that there were no incidents of service which have carved the disability. Even as per the statement of the applicant as recorded in Part III of the Release Medical Board proceedings and the duties performed by him did not involve sever or exceptional stress and strain. It is inter alia contended that on approval by DPMO (A) HQMC, IAF and on

adjudication as upheld by AOC AFRO of the Release Medical Board, the grant of disability pension to the applicant was rejected. In support of their contentions, the respondents have relied on the judgments of the Hon'ble Supreme Court in the case of ***Union of India*** Vs. ***Ravinder Kumar*** [(2015) 12 SCC 291] and ***Union of India*** Vs. ***Damodaran AV*** (SLP (C) No.23727/2008) [(2009) 9 SCC 140] to contend that the opinion of the Medical Board, which is an expert body, must be given due weightage and credence and should not be overruled unless there is a very strong medical evidence to do so. The Medical Board is a Specialised Authority composed of expert medical doctors and is the final authority to give opinion regarding attributability and/or the aggravation of a disability due to military service. Hence, as the Release Medical Board has held the disability of the applicant as NANA, he is not entitled to disability pension.

7. Further contention of learned counsel for the respondents is that under the provisions of Rule 153 of the Pension Regulations for the Indian Air Force 1961 (Part I), the primary condition for grant of disability pension is invalidation out of service on account of a disability assessed @ 20% or more and held attributable to and aggravated by Military Service. Learned

counsel submitted that though the disability of the applicant was assessed @ 30% more than as stipulated under Rule 153, but since it was held neither attributable to nor aggravated by military service, the applicant is not entitled to grant of disability pension.

8. Learned counsel for the respondents also produced the weight chart of the applicant and submitted that the applicant was overweight which was the prime cause of the disability of Primary Hypertension and since he was unable to maintain the prescribed weight, which could have easily been maintained by regular physical exercise, therefore, no relief could be granted to the applicant. The weight chart, as produced, reads as under:

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WEIGHT CHART

1. The record of weight over the years since is tabulated as under:-

Date	Type of Med Exam	Actual Wt(kg)	IBW (kg)	BMI	Advice
23 Oct 79	Primary	51	-	-	-
19 Sep 07	Med Exam	67	60	24.9	-
19 Aug 08	AME	69	60	25.65	-
19 Jun 09	Extn ME	70	60	26.11	-
12 Sep 11	AME	67	62	24.9	-
02 Aug 12	Extn ME	66	62	24.5	-
24 Sep 13	Initial MB	67	63	24.9	-
28 Aug 14	Recat	70	62	26.0	-
18 Feb 16	RMB	70	62	26.0	-

9. Learned counsel for the respondents further submitted

that both at the time of onset of the disability of Primary Hypertension in the year 2013 and at the time of Release Medical Board in 2016 the applicant was overweight and thus the disability of the applicant was primarily due to obesity of the applicant, therefore no relief could be granted to him.

10. We have heard learned counsel for both the parties and have also gone through the material available on record. As is evident from the weight chart, no one can deny and so we that the applicant was overweight from 19th September, 2007, even prior to the onset of the disability of Primary Hypertension, till the conduct of Release Medical Board on 18th February, 2016, which, in our considered opinion, proved to be a determining factor in the onset of the disability of the applicant.

11. We may also record that in identical circumstances this Tribunal in the case of ***Col (Mrs.) Dropadi*** Vs. ***Union of India and Ors.*** (OA No.1843/2018) decided on 13th April, 2023 had disallowed the claim of disability of Primary Hypertension on the ground that the applicant therein was overweight and the Tribunal found no causal connection between the disability and the military service. It is a medically proven fact and cannot be denied that overweight/obesity does play a dominant role in the onset of disability of Primary Hypertension.

12. Considering the rival contentions of the parties and the fact that the applicant was overweight even prior to the onset of the disability of Primary Hypertension and finding no causal connection between the disability of the applicant and military service, we are of the opinion that weight of the applicant is a contributory factor in the onset of disability of Primary Hypertension and thus he is not entitled to grant of disability element of pension. We also uphold the opinion of the Release Medical Board, an expert body on the subject. We thus find no merit in the contentions of the applicant therefore he is not entitled to any relief. The OA is accordingly dismissed.

13. Pending miscellaneous application(s), if any, stands closed.

Pronounced in open Court on this 22nd day of July, 2025.

[JUSTICE NANDITA DUBEY]
MEMBER (J)

[RASIKA CHAUBE]
MEMBER (A)

/vks/