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**COURT No.3
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**OA 2116/2019
with
MA 3003/2019**

Ex Sgt Aman **Applicant**
Versus
Union of India and Ors. **Respondents**

For Applicant : Mr. Randhir Singh Kalkal, Advocate
For Respondents : Mr. Avdhesh Kumar Singh, Advocate

CORAM

HON'BLE MS. JUSTICE NANDITA DUBEY, MEMBER (J)
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER

MA 3003/2019

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

OA 2116/2019

2. This application has been filed by the applicant under Section 14 of the Armed Forces Tribunal Act, 2007, seeking following reliefs:

"(a) Quash the letters dated 25.04.2019 (Annexure A-1).

(b) And further directions directing the respondent to pay the disability elements @20% (now rounding off @ 50%) with effect from 01.04.2016 along with interest @ 10% thereon.

(c) Direct the respondents to pay the cost of this original application.

(d) Issue such further appropriate order/direction as this Hon'ble Tribunal may be deem fit and proper in facts and circumstances of the case."

3. The applicant was enrolled in the Indian Air Force on 19.03.1996 and superannuated from service on 31.03.2016 under the clause on "On fulfilling the conditions of the enrolment". The RMB not solely on medical grounds was held and found the applicant fit to be released in low medical category A4G2 (P) and suffering from the ID '**SUBMANDIBULAR SIALOLITHIASIS (OPTD)**' @ 20% for life with the RMB having opined the disability as being 'neither attributable to nor aggravated by military service.'

4. However, the disability pension claim of the applicant was rejected, following which the applicant submitted 1st Appeal dated 08.05.2018, which was again rejected on the ground that the onset of the disability was in Peace Station, i.e., Vadsar and there is no documented trauma or infection and there is no service related association in the causation or course of the illness. Subsequently, the applicant sent a legal notice dated 22.03.2019, which was rejected on the similar grounds as the first appeal. Aggrieved, the applicant has preferred this OA.

Submissions on behalf of the Applicant

5. The learned counsel for the applicant submitted that he has attained the present disability after serving for a long period of 19 years which makes it clear that the disease was not pre-existing and his disability was due to service, and has subsequently served for a year after the detection of the disability. He further submitted that the applicant at the time of enrolment was fully fit medically and physically and no note was made in his medical documents to the effect that he was suffering from any disease at that time, and thus the onset of the disability occurred during service would be presumed to be due to stress and strain of the military service.

6. The learned counsel for the applicant submitted that the stressful and challenging conditions of service performed by the applicant having served in various places across diverse environmental and geographical conditions are directly relates to disease suffered by the applicant. The counsel further contended that a known risk factor for disability suffered by applicant is dry mouth and dehydration which has materially contributed to by the applicant's service in extreme environmental postings. The learned counsel for the applicant, therefore, prayed that the disability in question may be held as attributable to and aggravated by military

service and that the disability pension may be granted to the applicant.

7. In support of his contentions, the learned counsel for the applicant relied upon the judgments of the Hon'ble Supreme Court including the case of **Dharamvir Singh** Vs. **Union of India & Ors.** [2013 (7) SCC 316] and in **Union of India & Anr.** Vs. **Rajbir Singh** [(2015) 12 SCC 264] and in the case of **Union of India & Ors** Vs. **Manjit Singh** (AIR 2015 SC 2114), wherein the Apex Court had considered the question with regard to grant of disability pension and after taking note of the provisions of the Pension Regulations, Entitlement Rules and the General Rules of Guidance to Medical Officers and Para 423 of the Regulations for the Medical Services of the Armed Forces, it was held by the Hon'ble Supreme Court that an Army personnel shall be presumed to have been in sound physical and mental condition upon entering service except as to physical disabilities noted or recorded at the time of entrance and in the event of his being discharged from service on medical grounds being in low medical category, any deterioration in his health, which may have taken place, shall be presumed to be due to service conditions. The Apex Court further held that the onus of proof shall be on the respondents to prove that the disease from

which the incumbent is suffering is neither attributable to nor aggravated by military service. The applicant also submitted that in terms of the verdict dated 10.12.2014 of the Hon'ble Supreme Court in the case of **Union of India** Vs. **Ram Avtar** (Civil Appeal No.418/2012), the applicant is entitled to rounding off of the disability pension assessed @ 20% for life to 50% for life from the date of retirement.

Submissions on behalf of Respondents

8. *Per contra*, learned counsel for the respondents submitted that the applicant was retired from service on attaining the age of superannuation with disability '**SUBMANDIBULAR SIALOLITHIASIS (OPTD)**' which was conceded as 'Neither Attributable to Nor Aggravated by Military Service (NANA)' with degree of disablement @ 20% for life by the RMB. The learned counsel for the respondents further submitted that as the applicant was discharged after attaining the age of superannuation and his disability being considered as NANA, he is not entitled to disability pension.

Consideration

9. We have heard learned counsel for the parties and have perused the record. As the disability in question, i.e.,

SUBMANDIBULAR SIALOLITHIASIS (OPTD), has been assessed @ 20% for life, the only issue which needs to be considered in this case is as to whether the applicant's disability is attributable to/aggravated by the military service or not.

10. The material facts are undisputed. The applicant was found medically and physically fully fit upon joining the Indian Air Force on 19.03.1996. The applicant completed his full engagement and was discharged from service on 31.03.2016, upon attaining the age of superannuation, thereby completing a continuous service period of 20 years and 13 days. The disability, ***SUBMANDIBULAR SIALOLITHIASIS (OPTD)***, was diagnosed in June 2015 and was assessed @ 20% for life, resulting in the applicant being placed in the low medical category 'A4G2 (P)' at the time of discharge from service. The onset of the disease is recorded during his posting at Vadsar, Gujarat, which generally experiences higher ambient temperatures in the region of approximately 31°C; however, there is no record of acute or chronic dehydration episodes, documented trauma, or intercurrent infection during service correlating with the occurrence or progression of the ailment.

11. On the medical canvas, ***SUBMANDIBULAR SIALOLITHIASIS (OPTD)*** is known to occur predominantly in the

submandibular gland due to anatomical and biochemical factors peculiar to that gland, while its exact etiology remains uncertain and is often explained by intrinsic predispositions rather than occupational exposures.¹

12. While this Court acknowledges that general environmental stressors, such as temporary dehydration or climatic variation, may marginally influence salivary dynamics, there is no credible evidence of any unusual, prolonged, or excessive service-related exposure capable of causing or aggravating the applicant's condition. The record does not reveal any medical data, service document, or corroborative material establishing a causal or aggravating nexus between the applicant's duties and the onset or development of the ailment. Comprehensive evaluation of the medical literature further reflects that the exact etiology of such glandular disorders remains uncertain and is generally attributed to intrinsic anatomical or physiological predispositions rather than occupational or environmental causes. The disability, therefore, is assessed as purely constitutional and unconnected with military service exigencies. In the absence of any demonstrable link between duty conditions and disease progression, this Court finds no justification

¹ Hammett JT, Walker C. Sialolithiasis. In: StatPearls [Internet]. Treasure Island (FL): StatPearls Publishing; 2024 Jan-. [Updated 2024 May 13; cited Nov 13, 2025]. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK549845/>

to interfere with the opinion of the competent medical board. Consequently, the Original Application, being devoid of merit, stands dismissed.

13. Furthermore, we note that the Release Medical Board has opined the disability as Neither Attributable to Nor Aggravated by service, and thus, observing that expert view carries due weight in the absence of cogent medical material demonstrating a service-related causal chain or aggravation, we must essentially record that the Apex Court had an occasion to consider the said question in **Ex. Sapper Mohinder Singh Vs. Union of India** [Civil Appeal No.0164/1993 (arising out of SLP No.4233/1992)] decided on 06.02.1995, wherein it was observed that the opinion given by the invalidating Medical Board with regard to the assessment of disability of an incumbent should be respected until a fresh Medical Board examines the incumbent and comes to a different conclusion.

14. The aforesaid observations have been endorsed by the Hon'ble Supreme Court in **Ex CFN Narsingh Yadav Vs. Union of India** (Civil Appeal No. 7672 of 2019), wherein it was held as under:-

"21) Though, the opinion of the Medical Board is subject to judicial review but the Courts are not possessed of expertise to dispute such report unless there is strong medical evidence on record to dispute the opinion of the Medical Board which may warrant the constitution of the Review Medical Board. The invaliding Medical Board has categorically held that the appellant is not fit for further

service and there is no material on record to doubt the correctness of the Report of the invaliding Medical Board. "

15. Moreover, the Hon'ble Supreme Court in **Secretary, Ministry of Defense and Ors Vs. A. Damodaran (Dead) through LRs and Others** (Civil Appeal No.5678 of 2009) has observed as reproduced herein:-

42. Here is also a case where the Medical Board has given its definite opinion that the disease from which the petitioner was suffering was not attributable to or aggravated by military service. It was recorded by the Medical Board that the case is of schizophrenia in a young officer with five years' service manifested in disorder of thought, perception, behaviour and emotional incongruity. Further opinion of the Board is that he had been reviewed by the medical specialist and no physical contributory factor elicited for his psychiatric breakdown. Disablement assessed is 60% (sixty per cent) disability neither attributable to nor aggravated by service.

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44. Another relevant factor which is required to be noted is that the report of the Medical Board is not under challenge. As has been held by this Court, such opinion of the Medical Board would have the primacy and therefore, it must be held that the learned Single Judge and the Division Bench of the High Court were not justified in allowing the claim of the respondent."

16. In view of the aforesaid analysis, this Court concludes that there is no demonstrable causal or aggravating link between the applicant's service at Vadsar, Gujarat, and the onset or progression of **SUBMANDIBULAR SIALOLITHIASIS**. The opinion of the RMB

warrants no interference. The present OA is, therefore, devoid of merit and is liable to be dismissed.

17. No order as to costs.

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

Pronounced in open Court on this 1st day of December, 2025.

(JUSTICE NANDITA DUBEY)
MEMBER (J)

(LT GEN C.P. MOHANTY)
MEMBER (A)

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