

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

OA 1076/2018

Naik Sajendra Singh (Retd)		Applicant
Versus		
Union of India and Ors.		Respondents

For Applicant	:	Ms. Archana Ramesh, Advocate
For Respondents	:	Mr. V. Pattabhi Ram, Advocate

CORAM

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

Dated: 25th September, 2025

ORDER

Aggrieved by the rejection of his Second Appeal for grant of disability pension, the applicant, Ex-Nk Sajendra Singh, has filed the present Original Application. The reliefs prayed for read as under:

- “(A) Issue directions to quash and set aside ADGPS Army HQ, New Delhi Letter dated 25 Oct 2017 placed as Annexure A-1 being whimsical, arbitrary and without application of mind and contrary to the ratio decidendi as laid down by the Hon’ble Supreme Court judgment in Re Dharamvir Singh (supra) reported as (2013) 7 SCC 316 to meet the ends of justice.*

- “(B) Issue directions to the respondents to grant disability pension to the applicant @ 50% (duly broad banded) to meet the ends of equity, justice and fair play.*

- (C) *Issue directions to the respondents to grant LPG Gas Agency to the applicant if the disability is quantified more than 20% as per the rules of the subject placed as Annexure A-5.*
- (E) *Pass such other and further orders/directions to the respondents by way of payment of all back wages to the applicant as also an adequate compensation in the attendant genuine circumstances of the case, to meet the ends of justice."*

2. The facts, in brief, are that the applicant was enrolled in the Corps of Signals as a Sepoy on 30th December, 1996 and subsequently promoted to the rank of Naik. While serving at 500 (Independent) Signal Company, Delhi Cantt, he developed a disability, namely **Degenerative Disc Disease** of the lower vertebral column. As a result thereof, he was placed in low medical category S1H1A1P2E1. Thereafter, on extreme compassionate grounds, the applicant sought voluntary discharge and was released from service on 30th March, 2015. Prior to his discharge, the applicant was brought before a Release Medical Board (RMB), which assessed his disability @ 20% for life but opined it neither attributable to nor aggravated by military service on the ground that the onset of the disability occurred in a peace area. Aggrieved by the said opinion, the applicant by way of an appeal filed

on 20th May, 2015, sought a declaration that his disability be treated attributable to or aggravated by military service and, hence he be held entitled to disability pension. However, the ADGPS, Army Headquarters, reiterating that the disability had originated in a peace area and was not connected with military service, rejected the appeal. Being dissatisfied with the rejection of his appeal, the applicant filed OA No. 821/2016 before this Tribunal, seeking a declaration that the disability *Degenerative Disc Disease* is attributable to and/or aggravated by military service. In view of the fact that the applicant had not exhausted the remedy of Second Appeal, this Tribunal by order dated 14th February, 2017, directed the respondents to treat the said OA (OA No. 821/2016) as a Second Appeal and pass appropriate orders in the light of the decision of the Hon'ble Supreme Court in the case of Dharamvir Singh Vs. Union of India and Ors. [(2013) 7 SCC 316]. Pursuant to the said direction, the respondents, vide **Annexure A1** rejected the Second Appeal, which is now under challenge in the present OA. The applicant has also sought a direction for grant of LPG Gas Agency on the ground that his disability has been assessed at 20%.

3. In support of his contentions, the learned counsel for the applicant placed reliance on the following decisions:

- (i) *Col Sudhir Govil (Retd.) Vs. Union of India and others* (O.A. No. 808 of 2022, AFT, RB, Lucknow, decided on 01.03.2023);
- (ii) *Ex Cpl Uttam Kumar Das Vs. Union of India and others* (O.A. No. 1451 of 2019, AFT, PB, Delhi, decided on 12.05.2023);
- (iii) *CPO LOG (MAT) Rashmi R Nayak (Retd.) Vs. Union of India and others* (decided by AFT, PB, Delhi, on 17.08.2023).

4. The respondents have filed a detailed reply affidavit, wherein it is stated that the applicant was discharged from service on 31st March, 2015 under Army Rule 13(3) Item III (iv), at his own request, on compassionate grounds, before completion of his term of engagement. At the time of discharge, he was in a low medical category P2 (Permanent) for the disability “Degenerative Disc Disease” and had rendered 18 years and 92 days of service, including 149 days of non-qualifying service and is in receipt of service pension. The RMB held on 22nd December, 2014 opined that the applicant’s disability was neither attributable to nor aggravated by military service and also not connected with military service. The degree of disablement was assessed at 20% for life. The applicant’s

claim for disability pension was examined and rejected in accordance with Regulation 179 of the Pension Regulations for the Army, 1961 (Part I). Both First and Second Appeal of the applicant for grant of disability pension have also been rejected.

5. We have thoroughly considered each and every averment made in the OA, the documents on record and the submissions made by both sides. The relevant facts to the extent that the applicant, Ex-Nk Sajendra Singh, enrolled in the Corps of Signals on 30th December, 1996, was discharged from service on 31st March, 2015, at his own request on compassionate grounds, prior to completion of his terms of engagement, under Army Rule 13(3) Item III (iv) and released in low medical category are not in dispute.

6. The RMB held on 22nd December, 2014 assessed the applicant's disability at 20% for life but opined that it being Degenerative Disc disease was neither attributable to nor aggravated by military. The basis for this opinion was twofold; (i) that the onset of the disability occurred in 2006, while the applicant was posted in Delhi, which is a peace area and there was no specific event or incident during the course of service that could establish a causal link between military and the onset

or aggravation of the disability, and (ii) the RMB also noted that the disease is of a degenerative nature, a common progressive condition that occurs due to age or natural wear and tear.

7. While the contention of the respondents that the disease was first detected in the peace area holds no merit in view of catena of judgments removing the distinction between peace and field area, the contention that the disease being degenerative in nature and has followed its natural course over a period of time, has merit. We also find from the documents produced that once it was noticed and brought on record that the individual was detected with Degenerative Disc disease, the respondents took all measures to avoid aggravation of the applicant's disability by giving him relaxation from PT and other hard physical exercises.

8. In support of his submissions learned counsel for the applicant has placed reliance on the decision of the Hon'ble Supreme Court in the case of *Dharamvir Singh*. (supra) However, the facts of *Dharamvir Singh* (supra) case are distinguishable as there was no clear evidence of the disability being constitutional or hereditary in nature whereas in the case before us the medical opinion is unambiguous that the disease is

degenerative, not linked to any incident or condition of service. The presumption of attributability or aggravation must be guided by medical evidence and the factual context. The opinion of the Medical Board, as contained in Part V of the Release Medical Board proceedings reads as under:

PART V
OPINION OF THE MEDICAL BOARD

<i>1. Causal Relationship of the Disability with Service Conditions or otherwise</i>				
<i>Disability</i>	<i>Attributable to service Y/N</i>	<i>Aggravated by Service Y/N</i>	<i>Not connected with service</i>	<i>Reason/ cause/ Specific condition and period in service</i>
<i>(i) DEGENERATIVE DISC DISEASE</i>	<i>NO</i>	<i>NO</i>	<i>YES</i>	<i>NANA onset of ID is while serving in peace area.</i>

9. We may further note that as regards the reliance placed by the applicant on the judgments in the cases of Col Sudhir Govil (Retd.) (supra), Ex Cpl Uttam Kumar Das (supra) and CPO LOG (MAT) Rashmi R Nayak (Retd.) (supra) is concerned, the benefit of disability pension was granted in all these ceases and the facts reveal that they6 involved distinct circumstances where either the medical boards had opined in favour of attributability/aggravation or the rejection orders were found to

be perverse or not in consonance with the applicable Entitlement Rules. In the case before us, the competent Medical Board has specifically opined that the disability is degenerative in nature and is neither attributable to nor aggravated by military service. The applicant has also not been able to show that such an opinion has been vitiated by mala fides, arbitrariness or any procedural irregularity. It is well settled principle that the opinion of the Medical Board carries a presumption of correctness unless rebutted by cogent reason, which is lacking in the case before us. Thus, the judgments relied upon by the applicant are not applicable to present case. Each case turns on its own facts and no parity can be claimed merely on the strength of final outcome. Accordingly, in the absence of any infirmity in the medical opinion or violation of statutory guidelines, the claim for disability pension is liable to be rejected.

10. It is also worthwhile to note that a Co-ordinate Bench of this Tribunal under similar circumstances in OA 1908/2021 has held against the applicant.

11. Insofar as the applicant's additional prayer for grant of an LPG Gas Agency is concerned, learned counsel for the applicant

during the course of arguments made a statement that she is not pressing it, therefore, no orders need to be passed on that prayer.

12. In view of the above, we find that the applicant has failed to establish any legal or factual basis for interference with the order dated 25th October, 2017 (Annexure A-1) passed by the Competent Authority. The OA is devoid of merit and is accordingly dismissed with no order as to costs.

Pronounced in open Court on this 25th day of September, 2025.

(JUSTICE NANDITA DUBEY)
MEMBER (J)

(RASIKA CHAUBE)
MEMBER (A)

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