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

OA 1482/2020

Ex WO Sureshchandra Bhatt

..... Applicant

VERSUS

Union of India and Ors.

..... Respondents

For Applicant : Mr. Indra Sen Singh &
Mr. Abhishek Singh, Advocates
For Respondents : Mr. Rajeev Kumar, Advocate

CORAM

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

ORDER

Invoking the jurisdiction of this Tribunal; under Section 14, of the Armed Forces Tribunal Act, 2007, the instant OA has been filed praying for the following reliefs:

- (a) *Set aside the impugned order dated 26.02.2020 passed by the respondents.***
- (b) *Direct the respondents to treat the disability with which the applicant is suffering, namely (i) Diabetes Mellitus Type-II (Old) and (ii) Primary Hypertension (Old), as either attributable to or aggravated by Air Force service;***

- (c) **Direct the respondents to grant disability pension to the applicant on account of abovementioned two disabilities i.e (i) Diabetes Mellitus Type-II (Old) and (ii) Primary Hypertension (Old) w.e.f. 01.07.2019;**
- (d) **Direct the respondents to pay disability pension to the applicant @ of 75% w.e.f 01.07.2019 by rounding off the applicant's said disabilities i.e. (i) (Diabetes Mellitus Type-II (Old) and (ii) Primary Hypertension (Old), from composite 50% to 75%;**
- (e) **Direct the respondents to pay 10% interest on the arrears of disability pension w.e.f 01.07.2019 until the arrears are paid;**

BRIEF FACTS

2. The applicant was enrolled in the Indian Air Force on 24.10.1981 and discharged from service on 30.06.2019 under the clause "On attaining the age of superannuation" after rendering total 37 years and 240 days of regular service. The Release Medical Board (RMB) dated 03.08.2018 found the applicant fit to be released in low medical category A4G3(P), for the disabilities of (i) Diabetes Mellitus Type-2 (Old) assessed @ 20% for life and (ii) Primary Hypertension (Old)

assessed @ 30% for life compositely assessed @ 50% for life while the net qualifying element for disability was recorded as NIL for life on account of the disabilities being treated as neither attributable to nor aggravated by military service.

3. The applicant's claim for disability pension was rejected by the competent authority vide letter no. RO/3305/3/Med dated 21.12.2018. The outcome was communicated to the air veteran vide letter No. Air HQ/99798/1/669862/06/19 /DAV/DP/RMB dated 29.01.2019 and he was advised to prefer an appeal to the appellate committee within six months from the date of receipt of the rejection letter.

4. Accordingly, the applicant preferred his first appeal/representation dated 28.06.2019 which was processed and rejected vide letter no Air HQ /99798/5 /429 /2019 /669862/DP/AV-III (Appeals) dated 26.02.2020 stating that the disabilities which the applicant suffers from are neither attributable to nor aggravated by military service for the reasons mentioned therein. Aggrieved by the rejection of the disability pension claim from the respondents, the applicant has filed this OA.

CONTENTION OF THE PARTIES

5. The learned counsel for the applicant submitted that the applicant joined the IAF on 24.10.1981 and was discharged from the service on 30.06.2019 in the rank of Warrant Officer after rendering 37 years, and 240 days of long service in the Indian Air Force.

6. It was further submitted by the learned counsel that the applicant was subjected to a thorough medical examination conducted by the medical board at the time of his entry into service which found the applicant medically fit to join the service in Indian Air Force and he was posted to various Air Force units in varied geographical conditions.

7. It was submitted by the learned counsel that in addition to conditions of service, dietary compulsions of military life including frequent changes in weather and social environment at different geographical locations were the main causes of stress and strain on the applicant.

8. It was further submitted by the learned counsel of the applicant that prolonged stressful working conditions, strict

military discipline, dietary compulsions and various other socio-geographical factors has immensely contributed to the onset and aggravation of the applicant's disability.

9. To content to the effect that in as much as in absence of any cogent reasons recorded by the Medical Board for the cause of the disability that has arisen during the course of service of the applicant and which the applicant did not suffer at the time of commissioned into the service, the same has to be presumed to be attributable to service, the applicant has placed reliance on the verdict of the Hon'ble Supreme Court of India in the case of **Dharamvir Singh v. Union of India and others** (2013) 7 SCC 316, CA No 2904 of 2011 in **Union of India & Ors. Vs Rajbir Singh** dated 13 February, 2015 and the decision by Hon'ble High Court of Delhi in case of **Union of India Through the Secretary Ministry of Defence & Ors. Vs Maj Gen Rajesh Chaba (Retd.)** in WP (C) 5783/2024, and **Dropadi Tripathi vs Union of India & Ors.** in WP (C) 10154/2025, it is further submitted that in terms of verdict of Hon'ble Supreme Court in **Union of India vs Ram Avtar**, the

applicant is entitled to rounded off of the disability pension assessed @ 30% to 50% for life.

10. Per contra, the contention of respondents is that the applicant was overweight and was advised to reduce his weight and the disabilities of Diabetes Mellitus Type-2 (Old) and Primary Hypertension (Old) are basically lifestyle related disorder and have relation to his overweight condition. It is further submitted that the applicant has served in peace stations and the onset of the disabilities occurred Diabetes Mellitus Type-2 (Old) in September 2013 and Primary Hypertension (Old) in February 2015 and there has been no close time association of military service with onset and progression of the disability and hence, the disabilities are NANA as per para 43 of GMO (Military Pension) 2008 and para 26 of Chapter VI of the 'Guide to Medical Officers (Military Pension), 2008. The respondents have submitted the weight chart of the applicant, which shows as under:-

Date	Type of Med Exam	Actual Weight in KG	IBW (In KG)	BMI	Advice
22 Oct 81	Primary Med	50	-	-	-
06 Apr	AME	60	-	-	-

90					
30 Mar 00	Extn	68	58	-	-
31 May 03	AME	63	58		-
16 Sep 04	AME	70	58	-	-
10 Aug 05	AME	73	58	27.86	Advise to reduce weight with regular exercise and diet control.
21 Jan 06	Extn	75	58.5	-	-
25 Jul 07	AME	70	58.5	26.70	Advised to reduce body weight by diet control and regular exercises.
18 Aug 08	Extn	73	58.5	27.81	Advised to reduce body weight by dietary control and regular exercises.
12 Oct 09	AME	71	62	27.05	Advised to reduce body weight by diet control and regular exercises.
30 Aug 10	AME	70	59	26.67	Advised to reduce weight by dietary discretion and regular exercises.
11 Aug 11	Extn	71	61	27.0	To reduce weight by regular exercise and diet control.
13 Sep 12	AME	73	61	27.80	To reduce body weight/WHR/Waist up to acceptable. Limits by diet control & regular physical exercises.
30 Oct 13	Categorization	73	60	27.81	Regular aerobic exercise for 30 min/day.
06 May	Recat	72	59	--	Reduce weight to

14					IBW by diet exercise.
26 Feb 15	Recat	71	60	27.05	-
22 Jan 16	Recat	72	60	27.43	Maintain IBW
06 Feb 17	Recat	69	60	24.21	-
03 Aug 18	RMB	70	60	26.62	-

11. The learned counsel for the respondents also submitted that the applicant was overweight and the disabilities of Diabetes Mellitus Type-2 (Old) and Primary Hypertension (Old) of the applicant are directly related to his overweight condition.

ANALYSIS

12. We have heard the learned counsel for the parties and have perused the record produced before us.

13. In Part V of the RMB as per the Opinion of the Medical Board, the applicant was assessed for three disabilities (i) Diabetes Mellitus Type-2 (ii) Dyslipidemia (Old) and (iii) (Primary Hypertension (Old). However, the present OA has

been filed only in respect of two disabilities (i) Diabetes Mellitus Type-2 and (iii) (Primary Hypertension (Old), The opinion of the RMB is reproduced herein below:

PART V
OPINION OF THE MEDICAL BOARD
(Not to be communicated to the individual)

<i>Disability</i>	<i>Attributable to service (Y/N)</i>	<i>Aggravated by service (Y/N)</i>	<i>Not Connected with service (Y/N)</i>	<i>Reason/cause/specific condition and period in service</i>
<i>(i) Diabetes Mellitus Type-2 (Old)</i>	<i>No</i>	<i>No</i>	<i>Yes</i>	<i>Constitutional disease onset in peace area and remained posted to peace area prior to onset. There is no delay in diagnosis & treatment. There is no close time association with stress and strain of Military service at HAA/Field/CI Ops area. Hence neither attributable to nor aggravated by the conditions of service as per Para 26 of GMO MIL Pension 2008.</i>
<i>(ii) Dyslipidemia (Old)</i>	<i>No</i>	<i>No</i>	<i>Yes</i>	<i>Metabolic disorder, due to life style factors like dietary indiscretion/ lack of exercise. Hence neither attributable to nor aggravated by the conditions of Military Service.</i>

(iii) Primary Hypertension (Old)	No	No	Yes	Metabolic disorder. Onset in peace area and remained posted to peace area prior to onset. There is no delay in diagnosis & treatment. There is no close time association with stress and strain of Military service at HAA/Field/CI Ops area. Hence neither attributable to nor aggravated by the conditions of service as per Para 43 of GMO MIL Pension 2008
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Though the Medical Board has not drawn any correlation between the applicant's overweight condition and the disabilities of Diabetes Mellitus Type-2 and Primary Hypertension (Old) and has clearly opined that these disabilities are constitutional/metabolic in nature and have no close time association with the stress and strain of military service.

14. The applicant himself, in Part-I of the Personal Statement, Serial No. 5 of the RMB, reads as under:-

5. Give details of any incidents, during you service, which you think caused or made your disabilities worse	N/A
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responded "Not Applicable" when asked to state any incident during service which he think caused or made his disabilities worse.

15. As per the Statement of the Commanding Officer, the applicant was not excused from any duties and continued performing his trade duties without any severe stress or strain.

16. A bare perusal of the posting profile of the applicant at Annexure A-3 of the RMB reveals that the applicant was posted at peace station prior to the onset of the disabilities which occurred whilst he was posted to HQ SWAC & Gandhinagar in September 2013 and February 2015, which is also a peace station. Though it has been observed by this Tribunal in a catena of cases that peace stations have their own pressure of rigorous military training and associated stress and strain of the service, but a perusal of the weight chart of the applicant from August 2005 to January 2016 mentioned hereinabove indicates that the applicant was

overweight and the applicant was advised to reduce his weight from August 2005 till his retirement.

17. In so far as the disability of Diabetes Mellitus Type-2 (Old) is concerned, there is again direct correlation of the disease and the weight of the person. The publication released by the National Library of Medicine (National Center for Biotechnology Information) NLM, titled "Diabetes" reads to the effect:-

"The accumulation of an excessive amount of body fat can cause type 2 diabetes, and the risk of type 2 diabetes increases linearly with an increase in body mass index. Accordingly, the worldwide increase in the prevalence of obesity has led to a concomitant increase in the prevalence of type 2 diabetes. The cellular and physiological mechanisms responsible for the link between obesity and type 2 diabetes are complex and involve adiposity-induced alterations in β -cell function, adipose tissue biology, and multi-organ insulin resistance, which are often ameliorated and can even be normalized with adequate weight loss."

18. There are various medical reviews available suggesting that those who are overweight or obese, are at risk of having high blood pressure in life. The publication released by World Health Organization titled "Hypertension" reads to the effect:-

"Hypertension (high blood pressure) is when the pressure in your blood vessels is too high (140/90 mmHg or higher). It is common but can be serious if not treated.

People with high blood pressure may not feel symptoms. The only way to know is to get your blood pressure checked.

Things that increase the risk of having high blood pressure include:

- older age
- genetics
- being overweight or obese
- not being physically active
- high-salt diet
- drinking too much alcohol

Risk factors

- **Modifiable risk factors include unhealthy diets (excessive salt consumption, a diet high in saturated fat and trans fats, low intake of fruits and vegetables), physical inactivity, consumption of tobacco and alcohol, and being overweight or obese."**

It can thus be inferred that overweight can be the cause of the lifestyle disorder of Diabetes Mellitus type-2 (Old) and Primary Hypertension (Old). So far as reliance placed by

applicant on the decisions of the Hon'ble Supreme Court in case of **Dharamvir Singh** (Supra), and **Rajbir Singh** (Supra) is concerned, they are of no help to the applicant in view of the peculiar facts and circumstances of the instant case.

19. We are fortified in our view by order passed by this Tribunal, in OA 230/2019 in case of **Ex WO Kaushalendra Tripathi vs Union of India & Ors**, where also the applicant suffered from obesity and thereafter from 'Diabetes Mellitus Type-2 (Old) and Primary Hypertension (Old). The Tribunal came to the conclusion that it cannot be said to be due to military duty or aggravated due to military service. As such the application was dismissed.

CONCLUSION

20. In view of the aforesaid contentions and the parameters referred to above, and the fact that the applicant was overweight and the correlation of Diabetes Mellitus Type-2 (Old) and Primary Hypertension (Old) with weight, we are of the view that the weight of the applicant is a contributory factor towards the onset of the Diabetes Mellitus Type-2 (Old)

and Primary Hypertension (Old) and the applicant is thus not entitled to the grant of disability element of pension. We are not inclined to grant any relief to the applicant and the original application 1482 of 2020 stands dismissed.

21. There is no order as to costs.

Pronounced in open Court on this 19th day of November, 2025.

(JUSTICE NANDITA DUBEY)
MEMBER (J)



(RASIKA CHAUBE)
MEMBER (A)