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

OA 1852/2020

JWO Vimal Kumar (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Manoj Kr. Gupta, Advocate
For Respondents : Mr. Avdhesh Kr. Singh, 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 order dated 24th August, 2020 denying grant of disability pension, the applicant has filed the instant O.A seeking the following reliefs:

- (a) *Grant disability pension to the applicant in accordance with the Applicable rules and as held by the Hon'ble Supreme Court in catena of judgments referred vide Annexure A 4/5 and entitlement rules 1982, by setting aside part of the Medical Board and consequent rejection (Annex A1) wherein both the disabilities has been opined to be NANA to military service being not only with conflict of Rules but also direct in contravention of the series of judgments of this Hon'ble AFT (as seen supra)*

- (b) To direct the respondents to grant the disability pension @30% broad banded to 50% along with arrears by treating the disabilities as attributable and aggravated by the Military service.*
- (c) To direct the respondents to pay the due arrears of disability pension with interest @ 10% p.a. with effect from the date of retirement with all the consequential benefits.*
- (d) To pass such further order or orders, direction/directions as this Hon'ble Tribunal may deem fit and proper in accordance with law.*

2. The facts of the case, in brief, are that the applicant was enrolled in the Indian Air Force on 17th December, 1998 and was discharged from service on 31st December, 2018 in low medical category after rendering twenty years of service. The Release Medical Board (RMB) assessed his disabilities (i) Primary Hypertension (Old) @ 30% and (ii) Dyslipidaemia @ 1-5%; composite assessment for both the disabilities was @ 30% for life. However, the RMB opined that the disabilities of the applicant were neither attributable to nor aggravated by military service (NANA). Since the applicant's claim for grant of disability pension was rejected by the respondents, hence the instant Original Application.

3. Learned Counsel for the applicant submitted that the applicant was medically fit when he was enrolled in the

service and any disability not recorded at the time of enrolment should be presumed to have been caused subsequently. Therefore, action of the respondents in not granting disability pension to the applicant is illegal. In this regard, he relied on the decision of the Hon'ble Supreme Court in Dharamvir Singh Vs. Union of India and others [(2013) 7 SCC 316] and submitted that for the purpose of determining attributability of the disease to military service, what is material is whether the disability was detected during the medical tests conducted at the entry into service and if no disability was detected at that point of time, then it is to be presumed that the disability arose during the period of military service, therefore, the disabilities of the applicant are to be considered as aggravated by service and he is entitled to get disability pension @ 30% for life and the same is to be broad banded to 50%. It is also the contention of the applicant that both the disabilities were detected after about 17 years of his military service. In support of his contentions, learned counsel for the applicant also placed reliance on the judgment of the Hon'ble Supreme Court in the

case of Union of India and Ors. Vs. Manjeet Singh ([2015] 12 SCC 275). Learned counsel further contended that this Tribunal in identical cases has allowed the claim of disability pension, therefore, the OA be allowed.

4. On the other hand, learned counsel for the respondents has filed the counter affidavit and submitted that though the RMB had assessed the disabilities of the applicant @ 30% composite, it opined that the disabilities are NANA and there is no close time association with stress and strain or dietary compulsions of field. As such his claim for disability pension has rightly been rejected by the respondents. He submitted that the instant Original Application does not have any merit and the same is to be dismissed.

5. We have heard learned counsel on both sides. We have also gone through the Release Medical Board proceedings as well as the records. There is a straight and simple question which needs to be answered to decide the OA., i.e., '*Whether the disability of the applicant is attributable to or aggravated by Military Service?*

6. After going through the opinion of the specialist medical officer, we have noted that the only reason for declaring the disease '**Primary Hypertension**' as NANA is that the disability is idiopathic and detected in peace area and has no close time association with stress or strain or dietary compulsions of field. However, on further scrutiny, it is observed that this disability was initially detected in 2015, i.e., after about seventeen years of service. We are therefore of the considered opinion that the reasons given in RMB for declaring disease as NANA are very brief and cryptic in nature and do not adequately explain the denial of attributability. Respondents have also produced the weight chart of the applicant from which it is seen that the applicant has maintained his body weight as per the standards prescribed under the Rules and Regulations. We may also note that this Tribunal in a catena of cases under similar circumstances has granted relief to the applicants. Hence, we are inclined to give benefit of doubt to the applicant and are of the firm view that the disability of "**Primary Hypertension**" @ 30% is to be considered as aggravated by military service.

7. As far as other disability, i.e., **Dyslipidaemia** assessed @ 1-5% is concerned, in the opinion of the Medical Board, it is an idiopathic disease primarily arising from lifestyle factors such as diet and there is no close time association with stress and strain or dietary compulsion of field area and since it has been assessed less than 20%, the minimum percentage to claim disability pension, the applicant is not entitled to any benefit.

8. The question is thus answered in favour of the applicant. Resultantly, the O.A. deserves to be partly allowed, hence partly allowed. The impugned order is set aside. The applicant's disability "Primary Hypertension" @ 30% for life is to be considered as aggravated by military service and his disability element of pension in terms of the decision of Hon'ble Supreme Court in Union of India and others Vs. Ram Avtar (Civil Appeal No. 418 of 2012) decided on 10th December, 2014) is to be rounded off from 30% to 50% for life from the date of his discharge i.e. 31st December, 2018.

9. Ordered accordingly. The respondents are directed to implement the order within four months from the date of receipt of a copy of this order failing which the arrears shall carry interest @ 6% per annum.

10. No order as to costs.

11. Pending application(s), if any, also stands disposed off.

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

(JUSTICE NANDITA DUBEY)
MEMBER (J)

(RASIKA CHAUBE)
MEMBER (A)

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