

**COURT NO. 1  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

10.

OA 440/2026 with MA 570/2026

Ex-Sgt Suresh Kumar Thakur ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Deepak Bansal, Advocate

For Respondents : Mr. Ayush Saxena, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

O R D E R  
10.02.2026

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant claims disability pension for the disability of Diabetes. The applicant is retired as a SGT from the Indian Air Force and claims grant of disability pension. Grievance of the applicant is that his representation dated 11.07.2025 has not been decided and his claim for Post Discharge Medical Claim has been rejected. The applicant claims that he is suffering from Type-II Diabetes which is detected in April 2006 when he reported to the ECHS Polyclinic, Delhi Cantt. and therefore he should be permitted to have a Post Discharge Claim. As his representation for this has been

rejected vide A-1 on 28.10.2025, he has invoked the jurisdiction of this Tribunal. In the order of rejection of his claim in Para 3 and 4 the following reasons are given:-

“3. It is also pertinent to mention that you have not submitted any medical documents like referral/treatment case sheets, prescription of ECHS/Service Hospitals along with your representation, which states that you was/is still suffering from the said impairment (Diabetes) since 01 May 2006.

4. Moreover, as per Rule 9 of ER-2023, the instant case cannot be considered as a Post Discharge Claim as 07 years has already elapsed from your date of discharge.”

2. Records indicate that the applicant joined the Air Force on 23.11.1985. He was posted in various regions and was discharged from service on 30.11.2005 after completing 20 years 8 days of service. He was discharged in a fit condition, i.e., SHAPE 1 without any ailment or disease. Under the rules governing grant of Post-Discharge Claim the entitlement rules for Casualty pension vide AFP, 2008, Rule 8(a) and (b) reads as under:-

“8. Post discharge claims:

(a) Cases in which a disease was not present at the time of the member's retirement/discharge from service but arose within 7 years thereafter, may be recognized as attributable to service if it can be established by the competent medical authority that the disability is a delayed manifestation of a pathological process set in

motion by service conditions obtaining prior to discharge.

(b) In cases where an individual in receipt of a disability pension dies within a period of 7 years from the date of release/retirement, may be considered to have died of the disease for which he was granted disability pension if it can be so established by the competent medical authority. If the medical certificate as to the cause of the death is not available, other factors and circumstantial evidence would be taken into account.”

3. Even Rule 9 of the ER, 2003 is paramateria with rule 8(a) of the Rules of 2008, the rules contemplate that in case when the disease was not present at the time of member's retirement or discharge from service but arose within 7 years thereafter may be recognized as attributable to service if it can be established by the competent medical authority that the disability is a delayed manifestation of a pathological process set in motion by service conditions obtaining prior to discharge.

4. That being so under this Rule, the applicant is entitled for Post Discharge Medical Board only if disability emerged within a period of 7 years of his discharge and he claims Post Discharge Medical Board immediately on detection of the ailment within 7 years.

5. In this case, the applicant was discharged on 30.11.2005 and the applicant submits that the applicant contacted the ailment on 01.05.2006 when he reported to the ECHS Polyclinic, Delhi Cantt. The applicant has filed the prescription of the ECHS Polyclinic as annexure A-4 wherein only certain medicines have been prescribed to him. If the applicant was detected with some ailment in 2006 he should have reported the Military Hospital and got himself examined by a Medical Board for Post Discharge Medical Claim, he did not do so, on the contrary his RMB proceedings shows that he was discharged in the fully fit category without any ailment. Even after detection of the ailment in the polyclinic in April 2006, the applicant kept quiet for about 20 years and it was only on 11.07.2025, i.e., after around 20 years, he claimed examination by the medical Board in the category of Post Discharge Medical Claim. The respondents have rightly rejected the same on the ground that he should have claimed it immediately within a period of 7 years when the disease was detected and not after 20 years.

6. In the facts and circumstances, rejection of the claim of the applicant for Post-discharge medical claim now after 20 years is clearly permissible in law and in rejecting the same the respondents have not committed any error.

7. Accordingly, finding no grounds to interfere into the matter, the OA is dismissed.

8. In view of the aforesaid order, no order is necessary in MA 570/2026.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]  
MEMBER (A)

Priya