

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

6.

OA 1121/2026

Col Nirupam Pant Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Kavish Aggarwala, Advocate
For Respondents : Mr. Prabodh Kumar, Sr. CGSC

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HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
09.04.2026

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant, a serving commissioned officer of the Indian Army holding the rank of Colonel, seeks a declaration that the Guidelines for Medical Officers, 2023 (GMO, 2023) are illegal, unconstitutional, and not applicable retrospectively. The applicant further prays for a direction to the respondents to assess and determine his entitlement to disability pension in accordance with the GMO, 2008.

2. The facts, in brief, are that the applicant was commissioned into the Indian Army on 11.03.1995. It is his case that, while being posted at various places, he developed certain disabilities, namely: Primary Hypertension, Simple Obesity, and Gunshot Wounds on both legs with

Osteomyelitis of the left tibia (operated). During the period commencing 06.05.2023, his disabilities were assessed in the Re-classification Medical Board proceedings held on 19.09.2024.

3. According to the applicant, the Release Medical Board assessed his disability at 24.35%. He was superannuated on 31.08.2025; however, he has since been re-employed in military service with effect from 22.09.2025.

4. The grievance of the applicant is that, after the coming into force of GMO, 2023, the said guidelines have been applied in his case and his disability has been reassessed on that basis, instead of under GMO, 2008.

5. The respondents have raised preliminary objections, contending that the applicant's grievance regarding disability and disability pension is premature. It is argued that the right to claim disability benefits accrues only on final discharge from military service, when a Release Medical Board assesses the disability at that stage. Since the applicant is still in service, no cause of action has arisen. Any assessment made presently is subject to final evaluation at the time of actual discharge. Therefore, the present application is not maintainable. It is further contended that the applicant has

not exhausted the statutory remedies available under Section 21 of the Armed Forces Tribunal Act, 2007.

6. Having considered the objections, we find that the applicant seeks disability benefits based on the assessment of his disability under GMO, 2008. However, it is an undisputed position that entitlement to disability pension and other monetary benefits accrues only upon final discharge from service. Prior to such discharge, the applicant will be subjected to Release Medical Board proceedings and his entitlement will be determined based on the findings of that Board at the relevant time.

7. In view of the above, the respondents are justified in contending that the cause of action for the present grievance has not yet arisen.

8. Further, with regard to exhaustion of statutory remedies, the applicant has merely stated that the policy contained in GMO, 2023 is *sub judice* before this Tribunal in the case of *Hav Birendra Singh (Retd) & Ors. Vs Union of India & Ors.* (OA No. 2787/2025) and therefore no efficacious alternative remedy exists. However, remedies in the nature of first appeal and second appeal are available in cases where disability benefits are denied, and such remedies

are statutory in nature under Section 21 of the Act. The applicant has not availed these remedies.

9. Accordingly, we are of the considered view that the present application is premature, as the cause of action has not yet accrued. The right to claim disability benefits will arise only on final discharge from service, based on the medical condition existing at that time. All issues relating to the grant of disability benefits can be appropriately agitated at that stage.

10. In view of the above, we are not inclined to interfere in the matter at this stage.

11. The Original Application is, therefore, disposed of with liberty to the applicant to raise all his grievances as and when the cause of action arises upon his final discharge from military service.

12. With the aforesaid liberty, the OA stands disposed of.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[LT GEN C.P. MOHANTY]
MEMBER (A)**

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