

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

**OA 1251/2020**

**MWO Brahma Deo Singh (Retd) ..... Applicant**

**VERSUS**

**Union of India and Ors. .... Respondents**

**For Applicant : Mr. Manoj Kr Gupta, Advocate**

**For Respondents : Mr. K K Tyagi, Sr. CGSC**

**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, the applicant has filed this application and the reliefs claimed in Para 8 read as under:

***“(a) To direct the respondents to grant the disability pension @ 30% broad banded to 50% alongwith arrears by treating the disabilities***

**as attributable and aggravated to Military service.**

**(b) To direct the respondents to pay the due arrears of disability pension with interest @10% p.a. with effect from the dte of retirement with all the consequential benefits.**

**(c) To pass such further order or orders, direction/directions as this Hon'ble Tribunal may deem fit and proper in accordance with law."**

### **BRIEF FACTS**

2. The applicant was enrolled in the Indian Air Force on 09.01.1981 and was discharged from service on 28.02.2019 on attaining the age of superannuation. The RMB not solely on medical ground, held on 04.05.2018, found him fit to be released in low medical category A4G2(P) for the disability of 'Primary Hypertension. The RMB, however considered his disability as neither attributable to nor aggravated by service, holding as it a life style disorder and onset being at peace station.

3. On adjudication, AOC, AFRO, upheld the recommendation of RMB and rejected the disability pension claim vide letter No.

RO/3305/3/Med dated 21.12.2018. The outcome of the same was communicated to the applicant vide letter No. Air HQ/99798/1/672494/02/19/DAV(DP/RMB) dated 29.01.2019 with an advice that he may prefer an appeal to the Appellate Committee within six months from the date of receipt of the letter. Thereafter, the applicant filed the first and second appeals dated 14.02.2019 and 02.03.2020, respectively which were rejected vide letters dated 11.02.2020 and 02.03.2020, respectively. Aggrieved thereby the applicant has filed this OA.

#### **CONTENTIONS OF THE PARTIES**

4. The learned counsel for the applicant submitted that the applicant was enrolled on 09.01.1981 after being found medically fit by Recruitment Medical Board in all respect at the time of his entry into service.
5. After successfully undergoing training, he was posted to different terrain of peace as well as field in the course of active service/duties.
6. The learned counsel for the applicant further submitted that before the onset was detected in November 2006, he was

continuously assigned with hectic duty at ATS Belgaum upto April 2006, wherein he was engaged in various training activity including instructional duty of typing and trade classes. The learned counsel for the applicant further submits that the disability of applicant i.e. Primary Hypertension detected first time in November, 2006 after around 25 years of military service due to continues service stressor. He felt tremendous work pressure and had to work in adverse working conditions and thus, the disease was aggravated due to prolonged and abnormal working hours because he used to monitor voluminous correspondence in SWAC/Gandhinagar and reach to residence in late hours due to extended working of his office.

7. It is argued by learned counsel for the applicant that in absence of any disability or disease noted or recorded at the time of entry into the Armed Forces, a presumption of sound physical and mental condition would arise and any subsequent deterioration in health shall be presumed due to military service, the applicant entitle for disability pension. Reliance in this regard is placed on the law laid down by the Hon'ble Supreme

Court in the case of ***Dharamvir Singh Vs Union of India & Others (2013) 7 SCC 316***, and in the case of ***Union of India and others Vs. Reet MP Singh*** Civil Appeal No. 11311/2025, in the case of ***Union of India and others Vs. Rajbir Singh (2015) 12 SCC 264***.

8. *Per contra*, the stand of respondents is that the applicant was not discharged on medical ground but has superannuated, further twin conditions mentioned under Rule 153 i.e (i) disability attributable to and aggravated (ii) assessed more than @ 20%, is not fulfilled. It is urged that primary hypertension is a lifestyle disorder and not attributable to service condition as it originate while applicant was posted at peace station (Gandhinagar).

### **ANALYSIS**

9. We have heard learned counsel on both sides. We have also gone through the Release Medical Board proceedings as well as the records.

10. It is undisputed that the applicant was discharged on completion of his engagement of service. The claim of the

applicant for disability element of pension was dismissed for the reason that primary hypertension is a life style disorder. The RMB held on 04.05.2018 shows that the applicant carried ideal weight. Hence the respondents were directed to produce the record of weight chart of the applicant over the years. The record of weight from the period September 1980 to May 2018 shows that the applicant always maintained ideal weight. As stated by the respondents, he was never issued any advisory to improve his life style.

11. The only reason for declaring the disease '**Primary Hypertension**' as NANA by the Medical Board is that the disability is a life style disorder and detected in peace area and has no close time association with stress or strain of Fd/HAA/CIOps area, however, this issue pertaining to peace area has already been settled by the Hon'ble High Court of Delhi in WP(C) 140/2024, titled **UOI & Ors. vs. Col Balbir Singh (Retd.)** wherein it has been observed that disability pension cannot be denied merely on the ground that the onset of the disability occurred while the Armed Force Personnel

were posted at peace stations, therefore, mere mentioning of the peace/field area in the RMB/IMB would not suffice. It is incumbent upon the RMB to demonstrate and substantiate its findings by the citing cogent reasons for its opinion. As observed earlier the disability was initially detected in 2006, i.e., after about 25 years of service. In absence of any advisory regarding improvement of his life style the same cannot be considered due to life style disorder. 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.

12. 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 view that the disability of **“Primary Hypertension”** @ 30% is to be considered as aggravated by military service.

13. There is no gainsaying that the opinion of the Medical Board which is an expert body has to be given due weight and

credence. But the opinion of the Medical Board cannot be read in isolation and has to be read in consonance with the Entitlement Rules for Casualty Pensionary Awards & General Rules of Guide to Medical Officer. A mere statement that onset of disease was during a peace posting is clearly insufficient to discharge this onus. In the present case, the applicant has served in the Indian Air Force for a total of 38 years and 51 days and the onset of the disability of 'Primary Hypertension' occurred on 13.11.2006 after 25 years of service, whilst he was posted in peace station.

14. The Tribunal has also observed in large number of cases that military services in peace stations also have their own pressure of rigorous military training and associated stress and strain, physically and mentally, of the service and the contention that there is no evidence of stress and strain of service in peace station should not be made a ground for the purpose of denying disability element of pension.

15. It may also be taken into consideration that the most of the personnel of the Armed Forces, during their service, work in the stressful and hostile environment, difficult weather conditions

and under strict disciplinary norms. Moreover, there is no note made in the applicant's medical documents that he was suffering from any disease at the time of joining the service. There is no record to show that the applicant has suffered the disability due to hereditary or unhealthy lifestyle nor there is any family history placed on record. Further, on perusal of the medical records we find that the weight of the applicant is also within the permissible limit. In view of the settled law we are, therefore, of the considered view that the disability suffered by the applicant has to be held to be attributable to and aggravated by the military service.

### **CONCLUSION**

16. In view of the aforesaid judicial pronouncements and the parameters referred to above, the applicant is entitled for disability element of pension in respect of disability '**Primary Hypertension**'. Accordingly, we allow this application holding that the applicant is entitled to disability element of pension @ 30% for life rounded off to 50% for life with effect from the date of his superannuation i.e. 28.02.2019, in terms of the

judicial pronouncement of the Hon'ble Supreme Court in the case of **Union of India Vs. Ram Avtar** (Civil Appeal No. 418/2012), decided on 10.12.2014.

17. The respondents are thus directed to calculate, sanction and issue the necessary PPO to the applicant within a period of three months from the date of receipt of copy of this order, failing which, the applicant will be entitled for interest @ 6% per annum from the date of receipt of copy of the order by the respondents.

Pronounced in the open Court on the.....<sup>17<sup>th</sup></sup> day of March, 2026.

  
[MS. RASIKA CHAUBE]  
MEMBER (A)

  
[JUSTICE NANDITA DUBEY]  
MEMBER (J)

/Yogita/