

COURT NO. 2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA 1808/2017

LNK Y Satti Babu	Applicant
Versus		
Union of India and Ors.	Respondents

For Applicant	: Mr. Sukhbir Singh proxy for Mr. V S Kadian, Advocate
For Respondents	: Mr. SR Swain, Advocate with Mr. Ankush Kapoor, Advocate Maj Abhishek, OIC Legal Cell

CORAM :

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

Dated: 6th February, 2026

ORDER

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007 the applicant prays for the following reliefs:

- (a) Quash and set aside the impugned letter No.12822/AG/MP5(D)/16115614X dated 26.10.2014. and/or
- (b) Direct respondents to treat the injury of the applicant as Battle Casualty and issue Battle Casualty Certificate accordingly. And/or
- (c) Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case.

FACTS PLEADED

2. The facts germane to the filing of the present OA are that the applicant was enrolled in the Army on 28th March 2008. On

the date of filing of this OA instituted on 6th October, 2017, he was posted with 7 Engineering Regiment. While serving with 442 Field Company of 18 Engineer Regiment, located at Lumpo (Arunachal Pradesh) tasked for construction of Operational track from Lumpo to Pompagarh (Operational Falcon), which was part of the track construction party, the applicant sustained injury on his right leg in the blasting operation of track cutting in the rocky outcrop on 15th March 2013 when a boulder fell on him. The injury was diagnosed as Communitied Fracture Lower Third Tibia Fibular (RT) severe. He was admitted in 305 Field Ambulance and thereafter, transferred to 151 Military Hospital for further treatment. Based on a Court of Inquiry report, the injury of the applicant was considered as attributable to military service. Resultantly, the applicant was placed in low medical category and posted to 7 Engineer Regiment at Jodhpur, Rajasthan. At the time of re-categorisation of Medical Board at Military Hospital, Jodhpur he was issued a Battle Casualty certificate which was also published in Part-II Order. However, it was observed by Records MEG that the Battle Casualty certificate was required to be issued by IHQ, MOD Army based on initial and detailed report submitted by the Unit of the applicant. Thereafter, the case was taken up with IHQ, MoD vide letter No.415/442/29/A dated 29th June 2015



2015 for issuance of Battle Casualty certificate which however, came to be rejected vide letter No.12822/16115614X/AG/MP-5(D) dated 24th September 2015 on the ground of delay of more than two years and the applicant's case having not been classified as Battle Casualty in terms of Army Order No.1/2003/MP. As advised, the statement of case to condone the delay for issuance of Battle Casualty certificate along with delay report, injury report, initial and latest Re-categorisation Medical Board and severity certificate of injury was forwarded to the IHQ of MOD, (Army) which again was rejected vide letter No.12822/AG/MP-5(D)/16115614X dated 26th October 2016 stating that since the Operation Falcon was yet to be notified by the Government, therefore, the injuries sustained by the applicant were not covered under Category "D" and "E" to GOI MoD letter dated 31st January 2001. The injuries sustained, directed to be treated as Physical Casualty, were held to be attributable to military service.

CONTENTIONS RAISED

3. It is the case of the applicant that he was performing his duty for war like situation with life risk job therefore he met all the requirements to declare his injuries as Battle Casualty and his case falls within the purview of law for declaring him as Battle Casualty. It is further contended that the action of the respondents

in not considering his case for Battle Casualty is arbitrary, discriminatory, illegal, unjust, unreasonable and unconstitutional and is violative of principles of equality and equity as set-out under Article 14 of the Constitution of India. It is also contended that as the applicant was injured in a blasting operation for track cutting near border and the injury sustained by him during this operation, on the basis of Court of Inquiry, was held attributable to military service and the same has to be classified as Battle Casualty.

4. It is the further submission of learned counsel for the applicant that in view of the applicant's case having been duly recommended by chain of command, i.e., Commanding Officer, Chief Engineer 11 Corps, General Officer commanding 11 Corps and General Officer Commanding-in-Chief, Western Command, the injury needs to be classified as Battle Casualty. The injury was directed to be treated as Physical Casualty, attributable to military service in field.

5. It is further submitted on behalf of the applicant that as per Para 1(e) of Appendix 'A' to AO 1/2003/MP accidental injuries which are not sustained in action and not in proximity to the enemy but have been caused by fixed apparatus and further as per Category 'E' to this AO Para (e) on account of accidental

explosions of mines, while laying operationally oriented mine field or lifting or negotiating mine field area laid by enemy or own force in operational areas near International Borders or line of control are not required to be notified. It is thus submitted on behalf of the applicant that since the applicant was performing his duties for construction of operational track and was a part of operation, for operational preparedness which is a part of operation like other operations in India and blasting/explosion is a life risk job while handling of live blasting ammunition and hence his injury is required to be treated as Battle Casualty. Supporting his submissions, learned counsel for the applicant has also placed reliance on the judgment of the Hon'ble High Court of Delhi in the matter of Major Arvind Kumar Suhag Vs. Union of India and Ors. (Writ Petition (Civil) No.4488/2012 decided on 21st February, 2013.

6. The facts as stated above are broadly admitted by learned counsel for the respondents. It is however, their contention that the injuries sustained by the applicant are not covered under Para 1(e) to Appendix 'A' of Army Order AO 1/2003. It is also contended that the circumstances leading to the injury of the applicant do not merit for Battle Casualty status under category 'D' and 'E' of Para 4.1 of GOI, MoD (Army) letter

No.1(2)/97/D(Pen)-C) dated 31st January, 2001 and Operation Falcon has not so far been notified by the MoD which is the competent authority in this regard, therefore, the applicant cannot be granted the status of Battle Casualty.

7. In support of his contention learned counsel for the respondents also referred to Para 2.2.15 of the Department of Ex-Servicemen Welfare (DESW), Implementation Status on The Recommendations of the Raksa Mantri's Committee of Experts Concerning DESW, available on the website. It is further submitted that no injustice has been meted out to the applicant and the OA is devoid of merit, hence be dismissed.

ANALYSIS

8. We have heard learned counsel for the parties. The only question that needs to be answered to decide the issue is as to whether the injuries sustained by the applicant on 15th March 2013 in a blasting operation of track cutting in the rocky outcrop from Lumpo to Pompagarh can be classified as Battle Casualty as it occurred while the applicant was participating in Operation Falcon.

9. We have gone through the relevant Army/Government Orders on the subject, a) Category E(i) of Para 4.1 of the MoD letter No.1(2)/97/D(Pen-C) dated 31st January, 2001— Pensionary

benefits on death/disability in attributable/aggravated cases,

b) Para 4 of AO 01/2003/MP – instructions for the management of Physical and Battle Casualties read in conjunction with Appendix-A.

10. Relevant para 4.1 of Letter dated 31st January, 2001, which has been relied upon by the applicant, reads as under:

Govt of India, Ministry of Defence letter No. 1(2)/97/D/(Pen-C) dated 31.01.2001

1. to 3. xxx xxxx xxxx

PART II – PENSIONARY BENEFITS ON DEATH/ DISABILITY IN ATTRIBUTABLE / AGGRAVATED CASES

4.1 For determining the pensionary benefits for death or disability under different circumstances due to attributable/aggravated causes, the cases will be broadly categorized as follows:-

Category A

Death or disability due to natural causes neither attributable to nor aggravated by military service as determined by the competent medical authorities. Examples would be ailments of nature of constitutional diseases as assessed by medical authorities chronic ailments like heart and renal diseases, prolonged illness, accidents while not on duty.

Category B

Death or disability due to causes which are accepted as attributable to or aggravated by military service as determined by the competent medical authorities. Disease contracted because of continued exposure to a hostile work environment, subject to extreme weather conditions or occupational hazards resulting in death or disability would be examples.

Category C

Death or disability due to accidents in the performance of duties such as :-

(i) Accidents while travelling on duty in Government Vehicles or public/private transport;

(ii) Accidents during air journeys;

(ii) Mishaps at sea while on duty"

(iii) Electrocution while on duty, etc.

(iv) Accidents during participation in organized Sports events/adventure activities/ expeditions/ training.

Category D

Death or disability due to acts of violence/attack by terrorists, antisocial elements, etc. whether on duty other than operational duty or even when not on duty. Bomb blasts in public places or transport, indiscriminate shooting incidents in public, etc. would be covered under this category, besides death/disability occurring while employed in the aid of civil power in dealing with natural calamities.

Category E

Death or disability arising as a result of:-

a) Enemy action in international war.

b) Action during deployment with a peace keeping mission abroad.

c) Border skirmishes.

d) During laying or clearance of mines including enemy mines as also minesweeping operations.

e) On account of accidental explosions of mines while laying operationally oriented mine-field or lifting or negotiating minefield laid by enemy or own forces in operational areas near international borders or the line of control.

f) War like situations, including cases which are attributable to/aggravated by :-

(i) Extremist acts, exploding mines etc., while on way to an operational area

(ii) Battle inoculation training exercises or demonstration with live ammunition.

(iii) Kidnapping by extremists while on operational duty.

(g) An act of violence/attack by extremists, anti- social elements etc while on operational duty.

(h) Action against extremists, antisocial elements, etc. Detach/disability while employed in the aid of civil power in quelling agitation, riots or revolt by demonstrators will be covered under this category.

(i) Operations specially notified by the Govt. from time to time.

It is the applicant's case that since he was participating in Operation Falcon when he suffered the injury, he should be granted a Battle Casualty status under Category 'E'(i).

11 It has been brought out by the respondents that the injuries sustained in operational/operation will not automatically qualify as Battle Casualty under category 'E'(i) unless the operation is notified by the MoD, which is the Competent Authority in this regard. It has further been stated that injuries sustained due to environmental hazards (avalanches/landslides) or accidents even in operational zones are usually qualified as Physical Casualty and not Battle Casualty in the absence of supporting documents such as operational situational reports.

12. It was considered inevitable by the Tribunal to confirm the status of Operation Falcon from the respondents' counsel who submitted a letter dated 27th October, 2025 stating that Operation Falcon has not been notified by the MoD which reads as under:

*“ Integrated HQ MoD (Army)
Adjutant's General's Branch
Asddl Dte Gen of Pens Services/PS-3
Defence Office Complex
5th Floor, A Block, KG Marg
New Delhi-110 001*

B/20964/Misc/AG/PS-3(P) st 27 Oct 2025

*Records
Madras Engineer Group
PIN 900493
c/o 56 APO*

*OA NO.1808/2017 FILED BY NO.18115614X LNK SATTI
BABU YEDUVAKA VS. UOI AND OTHERS IN ARMED
FORCES TRIBUNAL (PB) DELHI (REGD NO.47/3453/AFT)*

- 1. Ref your letter No.18115614/Pen/LC/58
Dt. 22 Oct 2025.*
- 2. It is intimated that OP FALCON has not been notified
by the NoD*
- 3. For info please*

*Sd/-
Prasanjit Pattnaik
Lt Col
AAG PS-3”*

It is also worthwhile to refer to Para 2.2.15 of the Department of Ex-Servicemen Welfare (DESW) status on ‘Implementation Status On The Recommendations of the Raksa Mantri’s Committee of Experts Concerning DESW’ which reads as under:

“

<i>2.2.15 NON ACCEPTANCE OF DECLARATION OF BATTLE CASUALTY AND NON-GRANT OF WAR-INJURY OR LIBERALIZED BENEFITS TO CASUALTIES IN OPERATIONAL AREAS:</i>	<i>Partially Accepted:</i>
<i>The Committee thus recommends that in terms of the</i>	<i>As per existing Rule positions, the pensionary benefits of Armed Forces Personnel are granted based on the fulfillment of conditions/circumstances cited in GoI MoD letter dated 31.01.2001 with</i>

very liberal nature of applicable policy and decisions of Constitutional Courts, the deaths and disabilities arising in notified operations may continue to be granted disability and liberalized pensionary awards without hyper-technically insisting on hairsplitting requirements that do not actually exist in the rules. It is further recommended that the Services HQ may continue awarding 'battle casualty' status to their personnel under their own instructions since the status of 'battle casualty' is not just restricted to pensionary awards but encompasses many other issues such benefits and grants from welfare funds, ex-gratia by States, posting and cadre management etc. The committee also recommends that all such cases taken up by the Services HQ and pending with the Defence Accounts Department for release of benefits may be cleared within a period of 4 months by intervention of the MoD so as not to prolong the agony of the affected disabled soldiers or the affected military widows and all necessary amendments in service record and pensionary documents be carried out consequently. Deaths and disabilities occurring in Operation Falcon must also be covered under the same terms and conditions as under other notified operations and if need be, the said operation may be declared as equal to other notified operations for financial benefits.

respect to attributability to or aggravation by military service.

Govt. orders dated 07.03.2018 for inclusion of accidental death/injury due to natural calamities while performing in operational duties/movement during deployment on LAC under category D of Para 1 Clause (ii) of MoD letter dated 03.02.2011 making them eligible for LFP has been issued.

As regards notifying Operation Falcon, the matter was considered by G-Wing of MoD and was not agreed to in view of the following reasons:

(a) Border management is the primary role of Army. Forward deployment to safeguard border cannot be treated at par with mobilization for war or war like situation.

(b) This will set a wrong precedent and have far reaching financial implications in all such case of mobilizations as there would be similar proposals for declaration.

(c) It will also open up large number of old case of compensation on account of death/injury in last 27 years and in future.

(d) Troops deployed in the proposed operation area are already drawing field service allowance as applicable and benefits of liberalized pension and ex-gratia payment as per the definition of death and disability.

(e) Higher compensation along the Indo-China border as accorded to

	<i>troops deployed along LC is not justified as war like situation prevails along the LC as compared to the LAC.</i>
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13. Thus the primary condition for classifying an injury or death as Battle Casualty under Category ‘E’(i) is that the operation first has to be notified which is missing in the present case. Unless such a notification is issued by the MoD, the circumstances leading to an injury or death, as the case may be, cannot be considered for classifying an injury/death as Battle Casualty. Further since the case is not under Category ‘E’, then application/reference to AO 01/2003/MP, which are instructions for management of casualties becomes redundant.

14. The learned counsel for the applicant has mainly based his claim on AO 1/2003/MP; Appendix ‘A’ to AO and MoD Letter No.1(2)/97/D/Pension-C dated 31st January, 2001. In the circumstances of the instant case and in the absence of Operation Falcon being notified by the MoD, the case of the applicant cannot be examined under any of the documents relied upon by him.

15. As regards the reliance placed by learned counsel for the applicant on the judgment of Hon’ble High Court of Delhi in the case of *Major Arvind Kumar Suhag* (supra), the same does not aid the applicant as the operation in that case, i.e., OPERATION

A

RAKSHAK –(III) was already notified by the Government whereas in the case before us the OPERATION FALCON has not been notified. The facts of the case in *Major Arvind Kumar Suhag* (supra) are thus not in *pari materia* with the facts of the instant case.

16. Having considered the case presented before us and the fact that Operation Falcon has not been notified by MoD, we are of the considered view that the applicant does not not qualify for being declared as a Battle Casualty status nor for grant of Battle Casualty.

CONCLUSION

17. In view of the above, the present OA No.1808/2017 is dismissed.

18. No order as to costs.

Pronounced in open Court on this 6 day of February, 2026.


(RASIIKA CHAUBE)
MEMBER (A)


[JUSTICE ANU MALHOTRA]
MEMBER (J)

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