



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

115

CWP-23382-2025 (O&M)
Decided on : 12.08.2025

UNION OF INDIA AND OTHERS

. .Petitioners

Versus

No. 13700471A Ex Dfr NARENDER KUMAR AND ANR

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

PRESENT: Ms. Gurmeet Kaur Gill, Advocate
Senior Panel Counsel for the petitioners-UOI.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 14.02.2023 (Annexure P-4) passed by respondent No. 2-Armed Forces Tribunal, Regional Bench, Chandigarh (herein after referred to the Tribunal), by which, the benefit of disability pension @ 50% as against 30% for life has been extended in favour of the respondent No. 1, on the ground that same is incorrect.

2. Learned counsel for the petitioners argues that once, the medical board had assessed and recorded the findings that the disability of "CAD STEAMI PTCA TO LAD" suffered by respondent No. 1 is neither attributable to nor aggravated by the military service, overruling the said decision and granting relief to respondent No. 1 on the basis of the judgment of Hon'ble Supreme Court of India in *Dharamvir Singh versus Union of India and others, (2013) 7 SCC 316* is incorrect.

3. Learned counsel for the petitioners further argues that keeping in view the judgment of Hon'ble Supreme Court of India in *Civil Appeal No. 7672 of 2019 titled as Narsingh Versus Union of India* the orders/decisions



CWP-23382-2025 (O&M) -2-

of the medical board cannot be overruled in routine without there being any valid justification or the material evidence on record, which judgment has not been considered by the Tribunal while passing the impugned order.

4. We have heard learned counsel for the petitioners and have gone through the case file with her able assistance.

5. It may be noticed that respondent No. 1 was engaged in the Military Service on 01.09.1992 and he was discharged from service on 31.08.2016. At the time of his release from the military service, respondent No. 1 was found suffering from “CAD STEAMI PTCA TO LAD” and the said disease relates to the disorder of heart nerves.

6. It is a conceded fact that at the time when the respondent No. 1 was recruited in the Armed Forces, he was medically examined and he was not found suffering from any disease, on the basis of which he has been discharged from service.

7. As per the settled principle of settled by *Hon'ble Supreme Court of India in Dharamvir Singh's case (supra)*, which has also been considered by the Tribunal in paragraph No. 6 of the impugned order dated 14.02.2023 (Annexure P-4), any officer serving in the Armed Forces, who had undergone the medical examination at the time of his/her selection and was not found suffering any such disease on the basis of which, he/she has been discharged from service, is entitled to the benefit of disability pension as the disease on the basis of which such officer has been discharged is attributable to the Military service. The relevant paragraphs of the said judgment are as under:-

“30. In the present case it is undisputed that no note of any disease has been recorded at the time of appellant's acceptance for military service. The respondents have failed to bring on



record any document to suggest that the appellant was under treatment for such a disease or by hereditary he is suffering from such disease. In absence of any note in the service record at the time of acceptance of joining of appellant it was incumbent on the part of the Medical Board to call for records and look into the same before coming to an opinion that the disease could not have been detected on medical examination prior to the acceptance for military service, but nothing is on the record to suggest that any such record was called for by the Medical Board or looked into it and no reasons have been recorded in writing to come to the conclusion that the disability is not due to military service.

32. *In spite of the aforesaid provisions, the Pension Sanctioning Authority failed to notice that the Medical Board had not given any reason in support of its opinion, particularly when there is no note of such disease or disability available in the service record of the appellant at the time of acceptance for military service. Without going through the aforesaid facts the Pension Sanctioning Authority mechanically passed the impugned order of rejection based on the report of the Medical Board. As per Rules 5 and 9 of 'Entitlement Rules for Casualty Pensionary Awards, 1982', the appellant is entitled for presumption and benefit of presumption in his favour. In absence of any evidence on record to show that the appellant was suffering from "Generalised seizure (Epilepsy)" at the time of acceptance of his service, it will be presumed that the appellant was in sound physical and mental condition at the*



CWP-23382-2025 (O&M) -4-

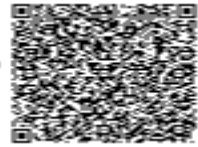
time of entering the service and deterioration in his health has taken place due to service.

33. *As per Rule 423(a) of General Rules for the purpose of determining a question whether the cause of a disability or death resulting from disease is or is not attributable to service, it is immaterial whether the cause giving rise to the disability or death occurred in an area declared to be a field service/active service area or under normal peace conditions.*

"Classification of diseases" have been prescribed at Chapter IV of Annexure I; under paragraph 4 post traumatic epilepsy and other mental changes resulting from head injuries have been shown as one of the diseases affected by training, marching, prolonged standing etc. Therefore, the presumption would be that the disability of the appellant bore a casual connection with the service conditions."

8. Further, with regard to the argument of the learned counsel for the petitioner that the judgment passed by the Hon'ble Supreme Court of India in *Narsingh's case (supra)* has not been considered by the Tribunal while passing the order impugned, it may be noticed that the judgment passed in *Narsingh's case (supra)* only states that the findings of the medical board should not be overturned in a routine manner. Nothing has come on record as to why the disease suffered by the respondent cannot be attributed to the military service or aggravated by the military service especially when respondent does not suffer the same at the time of recruitment in Army⁷, hence, judgment in *Narsingh's case (supra)* cannot be brought in operation in the present case.

9. In the present case, it is a conceded fact that the at the time of



CWP-23382-2025 (O&M) -5-

discharge from military service, respondent No. 1 was suffering from “CAD STEAMI PTCA TO LAD” , which disease was not found at the time of recruitment of respondent No. 1 and as per the judgment of Hon’ble Supreme Court of India in *Dharamvir Singh’s case (supra)* , any disease suffered by an officer concerned after his recruitment in the military service is to be treated as attributable to the Military Service.

10. Learned counsel for the petitioners has not been able to dispute the said proposition of law having been settled by the Hon’ble Supreme Court of India in *Dharamvir Singh’s case (supra)*.

11. Further, disability of 30 % has rightly been rounded off to 50 % as per settled principle of law in *Union of India and others versus Ram Avtar, 2014 SCC ONLINE, SC 1761,* which fact has also not been rebutted by the learned counsel for the petitioner.

12. No other arguments have been raised.

13. Hence, in the absence of any perversity being pointed out in the impugned order dated 14.02.2023 (Annexure P-4) either on the basis of the facts or the settled principle of law, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

14. Accordingly, the writ petition is dismissed.

15. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

12.08.2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No