



CWP-9136-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCWP-9136-2025 (O&M)
Date of Decision :30.09.2025

Union of India and others

..Petitioners

Versus

Ex RECT Ravi and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURIPresent: Ms. Neha Jain, Senior Panel Counsel
for petitioners-UOI.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 21.10.2024 (Annexure P-7) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh (for short, 'the Tribunal') by which, respondent No.1 has been allowed the benefit of invalid pension for his service rendered w.e.f. 07.01.2013 to 29.04.2014.

2. Learned counsel for the petitioners places reliance upon the report of medical examination of the respondent No. 1 to hold that though the disability of 'Horse Shoe Kidney' as assessed @ 20% for life has been found in respondent No.1, but the same has been held 'neither attributable to nor aggravated by military service' hence, the grant of benefit of invalid pension to respondent No. 1 is incorrect.

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



4. It is conceded fact that at the time when respondent No. 1 was invalidated out from service on 29.04.2014 on medical grounds, he had already rendered 01 year & 03 months of service with the petitioner-Union of India. It is also a conceded fact that at the time when respondent No. 1 joined the armed forces i.e. 07.01.2013 and was medically examined, he was not found suffering from any such disease on the basis of which, respondent No. 1 was ultimately discharged from service on medical ground.

5. Further, as per the principle of settled by Hon'ble Supreme Court of India in ***Dharamvir Singh vs. Union of India and others, (2013) 7 SCC 316***, any officer serving with the military, who had undergone the medical examination at the time of selection and was found fit but subsequently, he/she has been discharged from service before completing the qualifying service, is entitled to the benefit of invalid pension irrespective of the length of service as the disease on the basis of which such officer is being discharged is attributable to military service. The relevant para Nos.30, 32 and 33 of the judgment in ***Dharamvir Singh's case (supra)*** 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. In fact, non-application of mind of Medical Board is apparent from Clause (d) of paragraph 2 of the opinion of the Medical Board, which is as follows:

“(d) In the case of a disability under C the board should state what exactly in their opinion is the cause thereof. YES Disability is not related to mil 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 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."

6. Learned counsel for the petitioners has not been able to dispute the said proposition of law having been settled in ***Dharamvir Singh's case (supra)***.

7. Keeping in view the facts and circumstances of the present case as well as the principle of law as settled in ***Dharamvir Singh's case (supra)*** once, at the time of selection, respondent No. 1 was medically examined and was found fit in all respects and it was only at the time of discharge from service after rendering the service of 01 year & 03 months by respondent No. 1 with the petitioners-UOI, he was found suffering from '*Horse Show Kidney*' @ 20%, that being so, the said disease has to be attributed to military service and the report of medical board cannot take away the right of respondent No. 1 to claim the benefit of invalid pension in such circumstances.

8. No other arguments has been raised.

9. Hence, in the absence of any perversity being pointed out in the impugned order dated 21.10.2024 (Annexure P-7) 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.



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10. Accordingly, the writ petition is dismissed.
11. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

September 30, 2025

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(VIKAS SURI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No