(2025) 10 DH CK 0013

Delhi HC

Case No: Writ Petition (C) No.16266 Of 2025

Union Of India And Ors		APPELLANT
	Vs	
GP Capt Dilip Kumar Saluja Retd		RESPONDENT

Date of Decision: Oct. 27, 2025

Hon'ble Judges: C. Hari Shankar, J; Om Prakash Shukla, J

Bench: Division Bench

Advocate: Ashish K Dixit, Shivam Tiwari, Umar Hashmi, Iqra Shiesh

Final Decision: Dismissed

Judgement

C. Hari Shankar, J

1. This is yet another case which deals with the respondentâ€™s claim for disability pension on the ground of Diabetes Mellitus and primary hypertension. The Union of India assails the decision of the Armed Forces Tribunal, granting disability pension.

2. The reasoning given by the release medical board for treating the disabilities as not attributable to military service reads thus:

â€œType-2 Diabetes Mellitus (Old): The disability is metabolic in nature, onset in May 2016 at Chandigarh in peace area and prior to onset the individual has served in peace station. There was no delay in diagnosis/treatment and no close time association or stress/strain of field/HAA/CI OPS Service. The disability is due to lifestyle factors like dietary indiscretion/lack of exercise. Hence the disability is considered â€œneither attributable to nor aggravatedâ€■ by the conditions of service vide para 26 of Chapter VI of GMO on Pension (Amendment) 2008.

Primary Hypertension: The disability is constitutional or idiopathic in nature. Onset in May 2016 at Chandigarh and prior to onset the individual has served in peace stations only. There was no delay in diagnosis/treatment and no close time association of stress/strain of field/HAA/Ops service. Thus disability due to lifestyle factor like dietary indiscretion/lack of exercise. Hence the disability is considered â€œneither attributable to nor aggravatedâ€■ by the conditions of service vide para 43 of Chapter VI of GMO on Pension (Amendment) 2008.â€■

3. We find, therefore, that the reasons are not as perfunctory as we normally encounter as there is a statement that the disability was due to dietary indiscretion and lack of exercise. However, this appears to be a mere ipse dixit of the medical board, as it is not reflected from the report of the specialist who examined the respondent. As a result, we are not inclined to treat this minor difference as a ground to adopt a different approach in this case as compared to other cases following the judgment in *UOI v Ex Sub Gawas Anil Madso* 318 (2025) DLT 711.

4. The present petition is, accordingly, dismissed in limine.

5. Compliance with the impugned judgment of the AFT, if not already ensured, be ensured within a period of 12 weeks from today.