RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

D.B. Civil Writ Petition No. 8748/2023
CNR: RJHC010423122023 | URN: CW / 18415U / 2023

Rajasthan High Court
सत्यमेव जयते
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Jai Ram S/o Shri Bhagirath, Aged About 31 Years, (Service No. 8946205-S) Enrolled as AC (U/T) (IAF) R/o Village Vivon Ka Golya, P.O. Punasa, Tehsil Bhinmal, District Jalore (Raj.).

----Petitioner

Versus

1. The Union of India, Through The Secretary, Ministry of Defence, Raksha Bhawan, New Delhi 110011.
2. The Air Head Quarters, R.K. Puram, New Delhi - 110011.
3. Air Headquarters, Directorate of Air Vetrans, Sobroto Park, New Deli - 110010.
4. Jt. CDA (AF), New Delhi.
5. ATS Belgaum, C/o 405 AF Stn. Pin 900499 C/o 56 APO.

----Respondents

For Petitioner(s) : Mr. Samuel Masih.
For Respondent(s) : Mr. Vaibhav Bhansali for Mr. B.P. Bohra, Sr. CGSC Warrant Officer Mr. Satish Kumar Trivedi-IAF JWO Mr. Ashutosh Mishra-IAF. (present in person)

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE SANDEEP SHAH

Order

17/11/2026

1. Heard learned counsel for the parties.

2. The present writ petition has been filed against the order dated 28.04.2023 passed by the Armed Forces Tribunal, Regional Bench, Jaipur (Circuit Bench At Jodhpur) (hereinafter referred to as 'Tribunal'), whereby the Original Application preferred by the

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applicant-petitioner for grant of service pension and disability pension has been dismissed.

3. Briefly noted the facts in the present writ petition are that the petitioner was enrolled in the Indian Air Force on 27.06.2012 and after rendering 1 year, 8 months and 27 days of service, he was invalided out of service on medical grounds under the Air Force Rules, 1969. Thereafter, the petitioner submitted a claim for grant of disability pension, however, the same was rejected by the Directorate of Air Veterans, New Delhi vide order dated 23.04.2014 on the ground that the disability suffered by him namely "Abnormal LFT (Indirect Hyperbilirubinemia)" was neither attributable to nor aggravated by Military Service.

4. Against the order dated 23.04.2014, the petitioner preferred the first appeal and the same was also dismissed vide order dated 11.06.2015. Aggrieved by the order dated 11.06.2015, the petitioner preferred the second appeal before the appellate authority and the same was also rejected vide order dated 25.01.2017. Aggrieved thereby, the petitioner approached the learned Tribunal by way of filing the Original Application. However, the learned Tribunal, after considering the submissions of both the parties, dismissed the Original Application vide order dated 28.04.2023. Hence, the present writ petition has been preferred.

4. Learned counsel for the petitioner vehemently argued that at the time of enrollment of the petitioner, he was found fit in all respect, and therefore, the disability suffered by the petitioner is attributable to or aggravated by Military Service. He further submits that even as per Regulation 153 of the Pension

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Regulations for the Air Force, 1961, the case of the petitioner was required to be considered for grant of disability pension. He also submits that the opinion of the Medical Board stating that the disability suffered by the petitioner is neither attributable to nor aggravated by Military Service, is incorrect and since no disability was detected at the time of enrollment, therefore, it would be presumed that the disability suffered by the petitioner is attributable to or aggravated by the Military Service. He, therefore, submits that in view of the number of judgments of the Hon'ble Supreme Court, the petitioner is entitled for grant of disability pension and thus the learned Tribunal has committed an error, while rejecting the Original Application vide order impugned dated 28.04.2023.

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5. Learned counsel appearing for the Union of India, while opposing the submissions made by learned counsel for the petitioner, submits that the case of the petitioner was thoroughly considered by the Medical Board and its opinion does not suffer from any infirmity as the disability suffered by the petitioner was found neither attributable to nor aggravated by Military Service. He further submits that merely after three days of joining the training, the petitioner was admitted to the Military hospital, and therefore, the cause of disability could not be attributable to the services rendered by him in the training period.

6. Learned counsel further submits that even as per the Regulation 153 of the Pension Regulations for the Air Force, 1961, a person is entitled for a disability pension if the disability suffered by him is either attributable to or aggravated by Military Service. He also submits that the learned Tribunal has considered the

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matter in detail and on the basis of the judgments of the Hon'ble Supreme Court, the Original Application filed by the petitioner is rejected, and therefore, the same does not call for any interference by this Court.

7. We have considered the submissions made at the Bar and gone through the relevant record of the case.

8. The undisputed facts in the present case disclose that the petitioner was enrolled in the Army and at the time of enrollment, the disability suffered by the petitioner was not detected, however, after three days of joining the training in the respondent's training centre, he was admitted to the Military hospital having suffered "Abnormal LFT (Indirect Hyperbilirubinemia)". The Medical Board, after examining the condition of the petitioner, found the disability at 30% for life and opined that the same is neither attributable to nor aggravated by Military Service. Since the expert body has opined that the disability is not suffered due to the Military Service and the petitioner could not brought on record anything contrary to the Medical Board's opinion, therefore, there is no reason for us to disbelieve the expert body's opinion.

9. We further note that the petitioner was admitted in the training centre at Belgaum and within three days of joining, he was suffered with the disability, therefore, from that point of view also, we feel that the disability suffered by the petitioner could not have been incurred due to the Military Service, and therefore, the Medical Board has rightly opined that the disability suffered by the petitioner is neither attributable to nor aggravated by Military Service. The Regulation 153 of the Pension Regulations for the Air Force, 1961 mandates that for grant of disability pension, the

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disability suffered by a person or personnel should be either aggravated or attributed to the Military Service. In the present case, since the aggravation and attribution is not due to the Military Service, therefore, the petitioner is not entitled for the disability pension. The view taken by the learned Tribunal, in these circumstances, does not call for any interference. Thus, the present writ petition is devoid of any force and the same is hereby dismissed.

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10. All pending applications, if any, stand disposed of accordingly.

(SANDEEP SHAH),J **(VINIT KUMAR MATHUR),J**

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