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WP-21295-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA,
ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 7th OF AUGUST, 2026

WRIT PETITION No. 21295 of 2026

UNION OF INDIA AND OTHER AND OTHERS

Versus

RAM PRASAD RATHORE

.....
Appearance:

Shri Piyush Bhatnagar - Advocate for the petitioners.
.....

ORDER

Per. Justice Anand Pathak

Heard on admission.

2. The present writ Petition is preferred under Article 226 of the Constitution of India taking exception to order dated 26.09.2024 (Annexure P/8) passed by Armed Forces Tribunal, Regional Bench, Jabalpur (for short "AFT"), whereby Original Application No. 55/2022 preferred by respondent is allowed and respondent is found entitled to disability pension at 20% (rounded off 50%) for life.

3. Precisely stated facts of the case are that respondent was enrolled in the Indian Army on 10.03.2002 and, as per term of engagement, respondent was entitled to serve for 22 years. However, he was discharged from service on 31.10.2019 before completing the term of engagement for being found in



Permanent Low Medical Category "P3(Permanent)". At the time of discharge, the respondent had completed his service of 17 years and 4 months.

4. While service with the Unit deployed in High Altitude Area ("Field Leh"), respondent had fallen down from double bunker bed, while sleeping on the night of 11.03.2018, sustaining a severe injury in his back. Due to the injury sustained, the respondent was admitted in 153 General Hospital, Leh on 27.03.2018 and later transferred to Command Hospital (Western Command), Chandimandir on 03.04.2018. Respondent had been discharged on 26.04.2018 with 4 weeks sick leave.

5. After expiry of sick leave, on reporting to Command Hospital (Western Command), Chandimandir, the Medical Authorities had medically downgraded the respondent to S1H1A1P3 (T-24) E1 for diagnosis "PIVD L5/S1" for a period of six months with effect from 29.05.2018 to 12.11.2018. On review, the respondent was placed in permanent low medical category for a period of two years with effect from 06.12.2018.

6. It appears that respondent was further willing to continue in service under Low Medical Category but was not granted Sheltered Appointment by the Commanding Officer. He was subjected to Release Medical Board (RMB) at Command Hospital (Western Command) on 05.08.2019, which had release in P/3 (Permanent) Category assessed at 20% and held as non-attributable to nor-aggravated by military service. Thus, respondent was discharged with effect from 31.10.2019.

7. He preferred Original Application No. 55/2022 before AFT,



Jabalpur. Learned AFT passed the impugned order allowing the Original Application filed by respondent and awarded the relief as referred above.

8. Being crestfallen by the said order, petitioners/Union of India filed this petition.

9. It is the submission of learned counsel for petitioners that learned AFT erred in passing the impugned order. As submitted, learned AFT erred to hold that respondent was in service even when he sustained injuries. In fact, respondent was under acclimatization period at Regiment Location, Leh and fell from double sharing bed and got injured.

10. It is further submitted that learned AFT ignored the fact that respondent did not report the incident to anyone and directly consulted the Medical Investigation (MI) Room and took medicines. After the acclimatization period, respondent informed the Battery Havildar Major (BHM) and Senior Junior Commissioned Officer regarding his back pain and took permission for sick report. In short, it is the submission of learned counsel for petitioners that learned AFT erred in passing the impugned order and awarding disability pension to respondent as per the impugned order.

11. Heard learned counsel for petitioners at length and perused the documents appended thereto.

12. This is a case where respondent was claiming disability pension because of the fact that he sustained injuries while performing military service. As the respondent had been discharged in the year 2019, applicable Regulations were - Entitlement Regulations- 2008 and Pension Regulations for the Army, Part 1 2008.



13. Respondent sustained injuries due to sudden fall from double bunker bed on 11.03.2018 while undergoing acclimatization at the unit LOC in high altitude location of Leh (J & K). This fact finds mentioned in the medical reports also and in part proceedings. Respondents were unable to prove otherwise to show that disability might be due to any other reason including any previous episodes prior to fall from the double bunker bed. He was on acclimatization, which is part of duty of a soldier posted on high altitude area. Therefore, it is not a case, where respondent move on his own whims. Therefore, it cannot be assumed that the injury was caused due to an act other than the duty.

14. Duty is defined in para 12 of Entitlement Rules, 1982. As per different Provisions of Entitlement Rules, 1982. While interpreting Entitlement Rule 1982, Hon'ble Apex Court in the case of **Dharamvir Singh Vs. Union of India & Ors.** in Civil Appeal No. 4949/2013 and in the case of **Union of India & Anr. Vs. Rajbir Singh** in Civil Appeal No. 2904/2011, vide judgment dated 13.02.2015, it is being held that the respondents having being discharged from service on account of medical disability/disease, the disability must be presumed to have been arisen in the course of service which must, in the absence of any reason recorded by Medical Board, be presumed to have been attributable to or aggravated by military service. Therefore, learned AFT rightly discussed the issue and gave its findings on relevant facts.

15. Relevant discussion of learned AFT is reproduced for ready reference. Same is as under:-



"21. The injury sustained by the applicant, PIVD L4/L5, we hold that the same was due to the fall sustained from double bunker bed on 11.03.2018 while undergoing acclimatization at the unit loc in high altitude field location of Leh J &K). Other than the statement of the individual to the cause of injury in the Injury Report dated 26.05.2018, we find that the same finds mention in the Part I Clinical Assessment by the Classified Specialist Surgery & Neuro Surgery dated 08.07.2019, forming part of the RMB proceedings dated 10.08.2019. The respondents have not been able to place anything on the contrary that the disability PIVD L4/L5 had been due to any other reasons including any previous episodes prior to the fall from the double bunker bed. The only reason for the applicant to have been in Leh (Ladakh) in a High Altitude Field Area on a double bunker bed from where he fell on the night of 11.03.2018 is because of his service in the Army. There is no contest on the issue that there exists a direct connection between the injury sustained due to accidental fall from double bunker bed on 11.03.2018 and the ID due to which the applicant had been discharged from / service on medical grounds before completion of terms of engagement. Thus, we hold that there was a casual connection between his service and the disability he had suffered.

22. The applicant was holding the rank of Naik at the time of discharge. As per terms of engagement, the applicant was entitled to serve for 22 years. Hence in normal course, after being enrolled on 10.03.2002, the applicant would have been discharged in normal course only on 31.03.2024, whereas the discharge has taken place on 31.10.2019, i.e, after a service of 17 years, 7 months and 22 days. The applicant had been discharged in Low Medical Category P3 (Permanent) on account of assessed at 20% and held as NANA.

23. It is an admitted fact by the Respondents that the applicant was discharged - before completion of terms of engagement as a Naik, on medical grounds, through a Release Medical Board on



becoming a permanent LMC, due to non availability the applicant should have been deemed to be of sheltered appointment. Hence, £ Pension Regulations for the invalided from service as per provisions of Para 95 0 Army Part I 2008. The relevant para reads as under:-

“INDIVIDUAL DISCHARGED BEING PERMANENTLY IN LOW MEDICAL CATEGORY”

95. Individual who is placed in a low medical category (other than ‘E’) permanently and who is discharged because no alternative employment in his own trade/category suitable to his low medical category or who is unwilling to accept the alternative employment or who having been retained in alternative appointment is discharged before completion of the engagement, shall be deemed to have been invalided out of service under the Entitlement Rules for Casualty Pensionary Awards, 1982 as laid down in APPENDIX-IV to these Regulations. This provision shall also apply to individual who is placed in a low medical category while on extended service and is discharged on that account before completion of the period of his extension.

24. From the above, it is clear that the applicant had to be deemed as medically invalided out of service. Once the same has been established, we perused the _ orders regarding entitlement of disability pension to such personnel deemed as medically invalided.

25. We find that as per provisions of Para 7.2 of Government of India, MoD Jeter No 1 (2)/97/1/D (Pen-C) dated 31.01.2001 provides for grant of disability >) perision at the rate of 50% for disabilities assessed from 1 to 49% in cases of medical invalidation. The MoD letter No 3/57/2001/D (Pen A &AC) dated / 11.04.2002 further reconfirms that individuals discharged on medical grounds : before completion of terms is to be considered as invalided from service and : consequent benefits extended."

16. It appears that learned AFT rightly considered the fact situation



and thereafter, passed the impugned order. Therefore, scope of interference under Judicial Review is constricted.

17. Resultantly, petition *sans merits*, is hereby dismissed.

(VIVEK RUSIA)
ACTING CHIEF JUSTICE

(ANAND PATHAK)
JUDGE

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