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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 3473/2025**

**UNION OF INDIA & ORS.**

.....Petitioners

Through: Mr. Shashank Dixit, CGSC  
with Mr. Major Anish Murlidhar, Col.  
Puneet Baveja and Lt. Col. Baljeet Poonia.

versus

**LT COL HARVINDER THAKUR RETD**

.....Respondent

Through: Mr. Mohan Kumar, Ms. Neetu  
Singh and Ms. Ishika, Advocates

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**HON'BLE MR. JUSTICE AJAY DIGPAUL**

% **ORDER**  
**20.03.2025**

**CM APPL. 16264/2025 (Exemption)**

1. Allowed subject to all just exceptions.
2. The application stands disposed of.

**W.P.(C) 3473/2025 and CM APPL. 16263/2025 (stay)**

3. This writ petition assails order dated 18 October 2024 passed by the Armed Forces Tribunal, Principal Bench, New Delhi<sup>1</sup>, paras 3 and 4 of which read thus :

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<sup>1</sup> "the Tribunal", hereinafter



“3. It is essential to observe further that vide letter dated 29.04.2024 issued by the Office of the DGMS(Army), DGMS(Navy), DGMS(Air), it has been stated therein vide Paras-1 and 2 to the effect:-

“1. Ref this office letter No.16036/ RAMB/IMB /DGAFMS/ MA(Pens)/GMO dt 19 Oct 23 and Ministry of Defence, Dept of Ex-Servicemen Welfare 16(3)/2023/D(Pen/Pol)/Vol-II dt 21 Sep 2023 (copy encl).

2. The amendment in Para 3 of our letter under ref is fwd herewith for your further necessary action:

For: It is once again reiterated that GMO 2023 is applicable prospectively for all the medical boards of serving personnel (Offrs, JCOS & ORs) conducted after 21 Sep 2023 as GMO 2008 was in vogue prior to date of promulgation of GMO 2023, Appeals and Review Medical Boards pertinent to veterans would be conducted based upon the GMO relevant at the time of Release Medical Board.

Read: It is once again reiterated that GMO 2023 is applicable prospectively for all the medical boards of serving personnel (Offrs, JCOs & ORs) conducted on and after 21 Sep 2023 as GMO 2008 was in vogue prior to date of promulgation of GMO 2023. Appeals and Review Medical Boards pertinent to veterans would be conducted based upon the GMO relevant at the time of Release Medical Board.”

4. It is essential to observe that there is an amendment that has been made in the letter dated 21.09.2023 as detailed therein and it has been stated categorically to the effect that appeals and Review Medical boards pertaining to Veterans would be conducted based upon the GMO relevant as the time of Release Medical Board. Thus it is apparent that even in terms of policy letter dated 29.04.2024 of the respondents that has been sent to all the Armed Forces, the Post Discharge Medical Board would also thus implicitly have to be conducted on the basis of the GMO relevant at the time of the Release Medical Board.”

4. Major Muralidhar, who appears on behalf of the petitioners submits that there was no occasion for any fresh compliance to be



directed by the Tribunal as the Post Discharge Medical Board<sup>2</sup> of the respondent was conducted on 9 May 2024 in terms of the GMO which was applicable on that date.

5. On Mr. Mohan Kumar, learned counsel for the respondent, being queried in this regard, he submits that the PDMB ought to have been conducted in 2023 and that the petitioner cannot seek to capitalize on its own delay.

6. The issue requires consideration. *Prima facie*, a reading of the amended para 3 of the letter dated 21 September 2023 requires Review Medical Boards pertaining to veterans to be conducted based on the GMO relevant at the time of the Release Medical Board<sup>3</sup>. The fact that the PDMB was conducted in terms of the GMO applicable on the date when it was held is not in dispute.

7. In that view of the matter, a *prima facie* case has been made out by the petitioners.

8. Keeping in view this fact, and the principles of balance of convenience and irreparable loss, we are of the opinion that a case has been made out for stay of operation of para 4 of the order dated 18 October 2024 passed by the learned Tribunal.

9. Accordingly, issue notice to show cause as to why *rule nisi* be not issued.

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<sup>2</sup> "PDMB", hereinafter

<sup>3</sup> "RMB", hereinafter



10. Notice is accepted on behalf of the respondent by Mr. Mohan Kumar.

11. Counter affidavit be filed within four weeks with an advance copy to learned counsel for the petitioners who may file rejoinder thereto, if any, within four weeks thereof.

12. Renotify on 7 August 2025.

**CM APPL. 16263/2025 (stay)**

13. Issue notice.

14. Reply be filed within four weeks with an advance copy to learned counsel for the petitioners who may file rejoinder thereto, if any, within four weeks thereof.

15. Till the next date of hearing, there shall be a stay of operation of para 4 of the order dated 18 October 2024 passed by the Tribunal in MA 3860/2023 in OA 1017/2019.

16. Renotify on 7 August 2025.

**C. HARI SHANKAR, J.**

**AJAY DIGPAUL, J.**

**MARCH 20, 2025/yg**

*Click here to check corrigendum, if any*