



Sr. No

2025:JKLHC-JMU:3082-DB

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 437/2024 c/w
WP(C) No. 704/2024
WP(C) No. 868/2024
WP(C) No. 1850/2024

1. **Union of India through its Secretary to Govt. of India, Ministry of Defence, South Block, New Delhi-110011.**Applicant(s)/Petitioner(s)
2. **Additional Director General Personnel Services, Adjutant General's Branch, Integrated HQ of Ministry of Defence (army), DHQ PO, New Delhi-110011.**
3. **Principal Controller of Defence Accounts (Pensions), Draupadi Ghat, Allahabad, Uttar Pradesh-211014.**

Through :- Mr. Vishal Sharma, DSGI with
Mr. Eishaan Dadhichi, CGSC

v/s

Ex. Hav. Tilek Raj, S/o Rattan Lal, R/o Village and Post Office-Banota, District Jammu (J&K)-181102.

.....Respondent(s)

Through :- Mr. B.S. Sarmal, Advocate
Mr. Amit Gupta, Advocate

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
27.09.2025

WP(C) No. 437/2024

1. Learned counsel appearing for the parties, in particular Mr. Vishal Sharma, learned DSGI appearing for the petitioners fairly submits that the instant case is fully covered by the policy decision taken by the petitioner bearing No. 39022/24/AG/PS-4 (B) dated 09.06.2025. It is submitted that in the instant case, initially the medical board assessed the composite disability at 40% for life, aggravated by Army service. However, subsequently, the Release Medical Board, though assessed all the disabilities to be 40% for life, opined



that the disability was neither attributable nor aggravated by the military service.

2. In view of the aforesaid facts, there is absolutely no doubt that the case falls under Para 2(b) of the Policy.
3. Faced with the aforesaid position, the petitioners seek leave of this Court to withdraw this petition with the condition that, in the instant case, the arrears payable to the respondent must be restricted to the period of three years preceding the filing of O.A. before the Tribunal.
4. Having heard learned counsel for the parties, this petition is disposed of by directing that the judgment impugned passed by the Tribunal is modified by providing that the arrears payable under the impugned judgment shall be restricted to the period of three years preceding the filing of O.A. before the Tribunal.
5. With the aforesaid modification, the challenge to rest of the judgment is permitted to be withdrawn by the petitioners.
6. **Disposed of.**

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
27.09.2025
Vishal Khajuria