Sr. No.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 1325/2025
CM No. 3136/2025
Reserved on: 09.02.2026
Pronounced on: 02.2026
Uploaded on: 02.2026

1. **Union of India through its Secretary to Government of India, Ministry of Defence, South Block, New Delhi-110011**

2. **Additional Director General Personnel Services, Adjutant General's Branch, Integrated HQ of Ministry of Defence (army), DHQ PO, New Delhi-110001**

3. **Principal Controller of Defence Accounts (Pensions), Draupadi Ghat, Allahabad, Uttar Pradesh-211014**

4. **OIC Records, JAK LI Records, PIN-911097, C/o 56 APO**

…. Petitioner/Appellant(s)

Through:- Mr. Sachin Sharma, Advocate

V/s

1. **No. 9103808YEx. Lance Naik Sohan Lal, S/o Chhla Ram, R/o Village and Post Office: Baran, District: Jammu-181122**

…..Respondent(s)

Through:- Mrs. Monika Kohli, Sr. AAG

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

JUDGEMENT

Sanjeev Kumar J

1. This petition, by the Union of India and three others filed under Article 226 of the Constitution of India, seeks to challenge an order and

judgment dated 23.02.2023 passed by the Armed Forces Tribunal, Regional Bench, Srinagar at Jammu, **[“AFT”]** in OA No. 266/2022 titled “Sohan Lal Vs. Union of India and others,” whereby the Tribunal has allowed the OA filed by the respondent and has held him entitled to get disability element for the third disability i.e., “**IMPAIRED GLUCOSE TOLERANCE”** @ 20% for life and, thus, the composite assessment of all three disabilities @ 50% for life to be rounded off to 75% for life. The Tribunal has restricted the arrears to a period of three years preceding the date of filing of the OA.

2. The impugned judgment of the Tribunal is challenged by the petitioners primarily on the ground that the AFT has failed to consider that the disability of the respondent, Impaired Glucose Tolerance, though was assessed as aggravated by military service by the duly constituted Release Medical Board, yet the said disability stood assessed at 15-19% which was less than the admissible 20% required for qualifying for disability pension.

3. The reliance placed by the AFT on the judgment of Hon’ble Supreme Court in case titled “Sukhwinder Singh Vs. Union of India” (2014) STPL (WEB) 468 SC has been seriously disputed on the ground that aforesaid judgment was rendered by the Hon’ble Supreme Court as per the Entitlement Rules of 1982.

4. *Per Contra*, learned counsel appearing for the respondent would support the judgment of the Tribunal and submit that the AFT has taken note of the relevant rules and has rightly concluded that the composite disability suffered by the respondent was 50% and, therefore, required to be rounded off to 75%.

5. He would argue that the AFT has rightly placed reliance upon the judgment of Sukhwinder Singh (supra), for, the regular tenure of the respondent was cut-short because of the disability and, therefore, he shall be deemed to have suffered the disability to the extent of minimum of 20%.

6. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgment passed by the Tribunal falls within four corners of law and, therefore, does not call for interference by us in these proceeding. The undisputed facts leading to the filing of this petition are that the respondent was enrolled in Indian Army on 07.04.1999 and discharged from service on 31.10.2014 after rendering 15 years, 06 months and 25 days of qualifying service. During the course of his service the respondent suffered from (i) Retinal Vasculitis Left Eye (OPD), (ii) Primary Hypertension, and (iii) Impaired Glucose Tolerance, in the months of January 2023, March 2013 and March 2014 respectively. He was thus downgraded to low medical category. Because of the disabilities suffered, the respondent was brought before the Invaliding Medical Board, which examined him on 28.06.2014. The Invaliding Medical Board assessed the disabilities of the respondent in the following manner:

(i)	Retinal Vasculitis left Eye (OPD)	20% for life and considered attributable to military service
(ii)	Primary Hypertension	30% for life and considered aggravated by military service.
(iii)	Impaired Glucose Tolerance	15-19% for life and considered aggravated by military service.

7. The composite disability was assessed by the Invaliding Medical Board @ 40% for life. Regard being had to the assessment of the Invaliding Medical Board, the petitioners herein was held entitled to disability pension by taking his disability @ 40% for life, rounded off to 50%. The respondent was, thus, granted disability element for the disabilities: (i) Retinal Vaculitis Left Eye (OPD) and (ii) Primary Hypertension, @ 40% rounded off to 50% for life. The third disability i.e., Impaired Glucose Tolerance was not taken into consideration.

8. Feeling aggrieved, the respondent approached the appellate authority, but the appeal preferred by the respondent was rejected by the appellate authority vide letter dated 02.09.2022. This is how the respondent approached the Tribunal by way of OA No. 266/2022 which OA has been decided in favour of the respondent in terms of the judgment impugned in this petition.

9. From the factual narration given above, the only question that begs determination in these proceedings is *"whether the composite disability of the respondent as assessed by the Invaliding Medical Board @ 40% by ignoring the third disability i.e., Impaired Glucose Tolerance which has been assessed by the medical authority @ 15-19% is correct"*.

10. The answer to this question is not far to seek. The third disability i.e., Impaired Glucose Tolerance is indisputably a disability to the extent of 15-19% considered aggravated by Army service by none other than the medical authority. The pension authority cannot take a view different from the one taken by the medical authority, that too, without indicating any reasons or without being backed by statute. The third disability is a disability in any case, and it has to be considered along with other two

disabilities. We could understand a case where a person suffers only from a single disability and such disability is less than 20%. In such situation, the respondent may be justified in holding such an individual disentitled to seek disability pension.

11. As a matter of fact, even this argument would not be available to the petitioners in view of the law laid down by the Hon'ble Supreme Court in case tilted Sukhwinder Singh (*supra*). Indisputably, in the instant case, the tenure of services of the respondent was cut-short because of his discharge on medical grounds and, therefore, as per the law laid down in Sukhwinder Singh, his disability shall be deemed to be a minimum of 20% so as to enable him to seek the benefit of disability pension.

12. Viewed thus, we are of the considered opinion that the petitioners were bound to take into account all the three disabilities and assess the composite percentage of disability. The medical authority has assessed all the three disabilities @ 20%, 30% and 15-19%.

13. Although, prior to issuance on Entitlement Rules, 2023 and the Guide to Medical Officers 2023, there was no set formula for composite assessment of disability where the disabilities suffered by an individual were more than one, however, the medical authority had been giving the composite assessment of the disabilities suffered by the individual, relying primarily on their expertise in the field. The Entitlement Rules, of 2023 and the Guide to Medical Officers, 2023 have now put in place a proper formula for working out the composite disability of a person suffering from more than one disability. Rule 13(b) of the Entitlement Rules, 2023 lays down such formula ,which for facility of reference is reproduced as under:

(b) **Assessment**

(i) The assessment with regard to percentage of impairment in both injury and disease cases as recommended by the Invaliding Medical Board, retention cum Impairment Assessment Board or Release Medical Board, read in conjunction with the Guide to Medical Officers and duly accepted by the Competent/Appellate Authority, as the case may be, shall be treated as final and 'For Life', except in the cases of impairments that are not of a permanent nature, unless the individual himself requests for a one time review.

(ii) Where the impairment is due to more than one medical condition, a composite assessment of the degree of impairment shall be made by reference to the combined effect of all medical conditions in addition to separate assessment for each medical condition. In case of overlapping medical conditions, the composite assessment of impairment will not be the sum of individual medical conditions. After accounting for the percentage of the first medical condition, the percentage of every subsequent medical condition shall be calculated against the total after discounting its assessment from 100 percent, or the remainder thereof. The composite assessment of impairment shall be the sum of the percentages of individual accepted medical conditions calculated in this discounted manner. This is based on the principle that no person can be more than 100 percent disabled.

Illustration:

If an individual has three 'accepted disabilities' assessed as follows.

Disability A = 30%

Disability B = 20%

Disability C = 10%

The net impairment is calculated as follows:-

30% + (100 - 30%) 20%+ (70 – 14) 10%

30% + 14% + 5.6% = 49.6%

14. From reading of Clause (ii) of Rule 13 (b), it clearly transpires that where a person, like the respondent herein suffers from more than one

disability, the formula as indicated in the illustration would be used to make the composite assessment. Applying the aforesaid formula to the case on hand, the first disability i.e., Retinal Vasculitis Left Eye (OPD) is 20% and, therefore, is to be taken as 20%. The second disability i.e., Primarly Hypertension which is assessed @ 30% is to be taken as 30% of 80, i.e., 24%. The third disability i.e., Impaired Glucose Tolerance, which is 15-19%, shall be taken as 19% of 56, i.e., 10.64. The total composite disability would, therefore, be 20 + 24 + 10.64 i.e., 54.64%. In any case, in the instant matter, the composite assessment of all the three disabilities by applying a very rational formula indicated in Rule 13 reproduced above, would be more than 50%. The said disability is required to be rounded off to 75%. This exactly is what the Tribunal has held in terms of the judgment impugned.

15. For all these reasons we find no merit in this petition, and the same is accordingly **dismissed.**

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

Jammu:
.02.2026
Shafqat

Whether this order is speaking: Yes/No
Whether this order is reportable: Yes/No