



Sr. No

2026:JKLHC-JMU:879-DB

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

WP(C) No. 1195/2024

Date of Pronouncement: 01.04.2026.

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Union of India and others

.....Applicant(s)/Petitioner(s)

Through :- Mr. Vikas Sharma, Sr. Panel Counsel

v/s

Janak Raj

.....Respondent(s)

Through :- Mr. P.L. Sharma, Advocate  
Mr. Amit Singh, Advocate  
Mr. S.K. Saini, Advocate

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

**ORDER (ORAL)**

**Sanjeev Kumar J**

1. Impugned in this petition, filed by the Union of India and others under Article 226 of the Constitution of India, is an order and judgment dated 29.09.2022 passed by the Armed Forces Tribunal, Regional Bench, Srinagar at Jammu [**“the Tribunal”**] in OA No. 300/2021, titled **“Janak Raj Vs. Union of India and others**, whereby the Tribunal has, by relying upon several judgments passed by the Hon'ble Supreme Court, has held the respondent entitled to disability pension @ 30% for life rounded off to 50%.
2. Impugned judgment is assailed by the petitioners, primarily, on the ground that the respondent, who was discharged on completing the age of superannuation, though in low medical category, was entitled to the disability element of pension provided the disability was attributable to and aggravated by the Military service, but could not have been granted



the service element of the pension, for, he had not completed the mandatory qualifying service of 15 years after re-enrollment in DSC.

3. Having heard learned counsel for the parties and perused the material on record, we find that the issue as to whether the disability of PRIMARY HYPERTENSION, which the respondent was found suffering at the time of his discharged from DSC service is attributable to or aggravated by the military service is no longer *res integra*. We have elaborately discussed and decided this issue in the case of “*Union of India and others Vs. Nirman Singh Jamwal*” passed in WP(C) No. 3173/2023 and clubbed matters, which was decided by this Court on 03.11.2025.
4. So far as, the question of entitlement of the respondent to the service element of disability pension is concerned, we find that the respondent having been re-enrolled in DSC service on 29.09.2009 was discharged from service on 30.09.2019, after he had rendered only 10 years and 02 days service.
5. With a view to earn the second service pension for DSC service, the respondent was required to complete the minimum qualifying service of 15 years. Even if the respondent would not have been discharged in low medical category, he would not have continued the age of 57 and in that event also, he would not have completed the minimum qualifying service of 15 years. It, therefore, cannot be said that because of his discharged in low medical category, the tenure of the respondent was cut short and he was disabled to complete the qualifying service of 15 years.
6. We are, therefore of the opinion that the respondent, who has not completed the minimum qualifying service of 15 years, is not entitled to the service element of disability pension. He would, however be entitled to disability element of the pension for the reason, that he suffers from



disability which is assessed by the medical authority as 30% for life and regard being had to the nature of disability suffered, the same is aggravated by military service.

7. For all these reasons, we allow this petition partially by holding the respondent entitled to disability element of pension @ 30% rounded off to 50% for life only. The judgment of the Tribunal is modified to the aforesaid extent.

8. *Disposed of.*

(Sanjay Parihar)  
Judge

(Sanjeev Kumar)  
Judge

JAMMU  
01.04.2026  
*Rahul Sharma*

