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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 3922/2025 & CM APPL. 18196/2025, CM APPL.  
18197/2025

UNION OF INDIA AND ORS. ....Petitioners  
Through: Ms. Anushkaa Arora, SPC with  
Ms. Akshita Sharma, Adv.

versus

MWO CHANDRA SEKHAR MISHRA .....Respondent  
Through:

**CORAM:**  
**HON'BLE MR. JUSTICE C. HARI SHANKAR**  
**HON'BLE MR. JUSTICE AJAY DIGPAUL**

% **ORDER**  
**01.04.2025**

**CM APPL. 18197/2025**

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

**W.P.(C) 3922/2025**

3. Ms. Anushka Arora, who appears for the petitioners, points out that, in this case, the respondent, who has been directed to be released the disability pension by the Armed Forces Tribunal<sup>1</sup> was an inveterate smoker who used to smoke five-six cigarettes a day and also used to consume alcohol in moderate quantities. She has referred

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



us to a medical report at page 99 of the paper book, which records these facts. The report is dated 29 November 1994.

4. From the Release Medical Board papers, we find that the onset of disease was also in 1993. Thus, it becomes questionable as to whether the disease from which the respondent was suffering was, or was not, attributable to military service.

5. As this aspect has not been fully addressed by the Tribunal, issue notice to show cause as to why rule *nisi* be not issued.

6. Notice be served by all modes as well as through learned Counsel who appeared on behalf of the respondent before the learned Tribunal.

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

8. Re-notify on 27 August 2025.

**CM APPL. 18196/2025 (stay)**

9. Issue notice.

10. Notice be served by all modes as well as through learned Counsel who appeared on behalf of the respondent before the learned Tribunal.



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

**12.** Re-notify on 27 August 2025.

**13.** Till the next date of hearing, there shall be a stay of operation of the impugned order dated 20 April 2023 passed by the Tribunal in OA 1010/2022 and MA 1353/2022.

**C. HARI SHANKAR, J.**

**AJAY DIGPAUL, J.**

**APRIL 1, 2025**

*dsn*

*Click here to check corrigendum, if any*