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**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

ARAVIND KUMAR; J., PRASANNA B. VARALE; J.
CIVIL APPEAL NO(S).773/2024; FEBRUARY 12, 2026
SAREVESH KUMAR versus UNION OF INDIA & ORS.

Military Pension – Disability Pension – Attributes of Service – Impact of Lifestyle Habits – The Supreme Court upheld the denial of disability pension to an army personnel suffering from "Stroke Ischemic RT MCA TERRITORY" - Noted that the disease was neither attributable to nor aggravated by military service, as the Medical Board clearly opined that the condition could have been occasioned by the appellant's habit of smoking ten bidis per day.

Pension Regulations for the Army, 1961 – Regulation 173 – Guide to Medical Officers, 2002 – Paragraph 6 – Supreme Court noted that compensation cannot be awarded for any disablement or death arising from intemperance in the use of alcohol, tobacco, or drugs, as these are matters within the member's own control – Appeal dismissed.

For Appellant(s): Mr. Kaushal Yadav, AOR Mr. Nandlal Kumar Mishra, Adv. Mr. Onkar Nath Sharma, Adv. Mr. Ritul Tandon, Adv. Ms. Naina Garg, Adv. Ms. Priyanka, Adv.

For Respondent(s): Mr. Satya Darshi Sanjay, A.S.G. Mr. Shubh Sharma, Adv. Mr. Shubham P. Mishra, Adv. Mr. Khushal Kolwar, Adv. Ms. Nikita Sethi, Adv. Mr. Divyam Aggarwal, Adv. Mr. Mukesh Kumar Maroria, AOR Mr. Satya Jha, Adv. Mr. Sudhakar Kulwant, Adv. Mr. Praneet Pranav, Adv. Mr. Raman Yadav, Adv. Rekha Pandey, Adv.

ORDER

1. Having heard the learned counsels appearing for the appellant and learned ASG appearing for the State, we find that Tribunal has taken note of Regulation 173 of Pension Regulations for the Army, 1961 and paragraph 6 of the Guide to Medical Officers, 2002 which would indicate that “compensation cannot be awarded for any disablement or death arising from intemperance in the use of alcohol, ‘tobacco’ or drugs or sexually transmitted disease, as these are the matters within the member’s own control.” (emphasis supplied by us)

2. In the instant case having perused the First Medical Report and the opinion of the Medical Board, it would leave no manner of doubt in us that the disease of “Stroke Ischemic RT MCA TERRITORY” was not attributable to service nor aggravated on account of service and we say so for the simple reason that in both the reports, it was clearly indicated that the appellant was in the habit of smoking bidis that too ten bidis per day and it is trite position of medical law that an ischemic stroke occurs when a blood clot or fatty plaque (atherosclerosis) blocks an artery leading to brain, restricting oxygen which reduces blood flow and causing brain tissue damage and the medical opinion categorizing risk factors includes high blood pressure (hypertension), smoking, diabetes, high cholesterol, i.e., dyslipidemia, obesity and atrial fibrillation. In the instant case, the Medical Review Board has clearly opined that on account of continuous smoking, the disease of “Stroke Ischemic RT MCA TERRITORY” attributable to the appellant could have occasioned and as such Medical Board has concluded that it is neither attributable to service nor aggravated due to service conditions. The judgment of Bijender Singh Vs. Union of India & Ors. in Civil Appeal Nos.4458-4459/2024 relied upon by the learned counsel appearing for the appellant when perused would clearly show that it was a clear case where the appellant therein was working in Siachen Glacier which is high altitude

posting from May 1988 to 20.09.1988 and the opinion rendered by the Medical Board that the disability assessed at 15% to 19% was not attributable or aggravated by military service was not accepted by this Court.

3. The facts obtained in the present case is entirely different as noticed hereinabove and as such we find that the judgment and opinion of the Tribunal would not call for interference. Civil Appeal stands dismissed.

4. Pending application(s), if any, shall stand disposed of.

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