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W.A.No.3 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2025

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE Dr. JUSTICE A.D. MARIA CLETE

W.A.No.3 of 2023

S.Rajesh Kannan

Vs.

.. Appellant

1.The Inspector General of Police
Karnataka-Kerala Sector (K.K.S.)
Central Reserve Police Force (CRPF)
Group Centre, Doddaballapur Road
Yelahanka, Bengaluru, Karnataka 560 064

2.The Deputy Inspector General of Police
Group Centre
Central Reserve Police Force (CRPF)
Doddaballapur Road
Yelahanka, Bengaluru, Karnataka 560 064

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent challenging the order dated 03.11.2022 passed in W.P.No.13953 of 2021.

For Appellant : Mr.Sharath Chandran

For Respondents : Mr.M.Karthikeyan
Senior Panel Counsel



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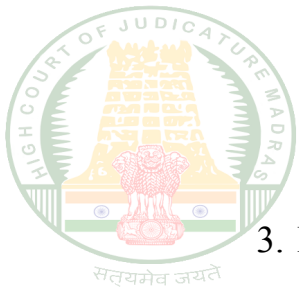
JUDGMENT

(Delivered by R.SURESH KUMAR, J.)

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This intra-court appeal has been directed against the order dated 03.11.2022 passed by the writ Court in W.P.No.13953 of 2021.

2. The appellant *viz.*, S.Rajesh Kannan, was a member of the Central Reserve Police Force (in short "CRPF"). While he was serving with the said force, on 30.10.2008, one platoon of C/12 battalion, CRPF, Gauhati, in which he was working, was deployed for NAKA duty and on completion of NAKA duty, the section was tactically moved to board a bus near International Hospital so as to reach C/12 battalion location. When the section approached Ganeshgudi Bridge, suddenly, a bomb placed in a car blasted, due to which, three members of the section, including the appellant herein, were severely injured. Subsequently, it was found that the appellant sustained multiple soft tissues splinter injuries in his right hip/scrotum with right tympanic membrane perforation. As a result of the said bomb blast by the terrorists/anti-national elements, such an incident took place. Since the injuries were sustained by the appellant while he was on *bona fide* Government duty, he was entitled to all benefits as per rules.

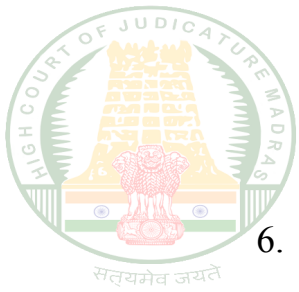


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3. Based on this disability, *i.e.*, because of the severe injuries sustained by the appellant due to the said bomb blast while he was on duty on 30.10.2008, he was considered for pensionary benefits as he became medically invalidated under category 'D' of 1939 Rules, *i.e.*, Central Civil Services (Extraordinary Pension) Rules, 1939 [in short "CCS (EOP) Rules"]].

4. According to the appellant, since he sustained injuries, due to which, he was medically invalidated and such injuries were sustained due to the bomb blast by extremists/terrorists/antisocial elements, the case of the appellant should have been placed under category 'E', instead of category 'D' of CCS (EOP) Rules, in which event, he would be eligible to get full pension.

5. With the above request, when the appellant approached the 2nd respondent, the 2nd respondent, by order dated 04.04.2021, rejected the plea of the appellant to consider him for grant of pension under category 'E'. Therefore, challenging the said order dated 04.04.2021, the appellant had approached the writ Court by filing W.P.No.13953 of 2021.



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6. The learned writ Court has considered the relevant rules *viz.*, of CCS (EOP) Rules, wherein, under Schedule-II, there were five categories, *i.e.*, category 'A' to category 'E'. The learned writ Court, in fact, had extracted in the order impugned the relevant rule, especially, the category 'D' and category 'E' and ultimately, found in paragraphs 6 and 7 of the order impugned, that since disability is attributable to acts of violence by terrorists/anti-social elements, *etc.*, whether in performance of duty or otherwise, due to which, the appellant got disabled and medically invalidated, he can be fit in only category 'D' and not under category 'E'.

7. The learned Judge has further held that category 'E', *inter alia*, deals with death or disability arising as a result of attack by or during action against extremists, antisocial elements, *etc.* The learned Judge has also held that admittedly, the appellant was not attacked by or during action against extremists or anti-social elements or extremists attacked him or they exploded mines on the appellant while he was on the way to the operational area and only during the sudden bomb blast, he was medically invalidated. Therefore, the writ Court was of the considered view that the respondents have rightly considered the appellant's case for the purpose of pension under category 'D' and not under category 'E' as



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sought for by the appellant. Therefore, the writ petition was rejected through the

impugned order.

8. Assailing the order impugned, Mr.Sharath Chandran, learned counsel for the appellant would invite our attention to the stand taken by the respondents in paragraphs 5 and 7 of the counter affidavit filed before the writ Court. Paragraph 5 of the counter affidavit of the respondents reads thus :

"5. It is respectfully submitted that, No.015032482 Constable/General duty S. Rajesh Kannan (herein after called as petitioner) joined in CRPF on 28/08/2001. While he was posted in 12 Bn, CRPF at Guwahati, on 30/10/2008, one platoon of C/12 Bn was deployed at Dispur Police Station for Naka duty. On completion of Naka duty, the section was tactically moved to board a bus (near International Hospital) so as to reach the C/12 Bn location, when the Section approached the Ganeshgudi bridge, suddenly a bomb placed in a car was blasted due to which three members of the Section, including the petitioner were severely injured. Subsequently it is found that, the petitioner sustained multiple soft tissues splinter injuries in his right hip/scrotum with right tympanic membrane perforation. As per COI final order issued by DIGP, CRPF, Guwahati vide order No.M.V.1/2009-EC-6 dated 19/01/2009, the bomb blast incident happened on 30/10/2008 at Ganeshgudi, Guwahati as a result of serial bomb blasts done by terrorists/anti-national elements. Thus the injuries sustained by the



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petitioner, while he was on bonafide Government duty accordingly he was entitled for all benefits as per rules."

Relevant portion of paragraph 7 of the counter affidavit of the respondents reads thus :

"7. In the COI order, involvement of operational duties has not been emphasized. Further, the serial bomb blasts took place at public places where in 88 civilians were killed and about 500 civilians were injured. Therefore, this incident falls under Category-D, as the cause of the disability of the petitioner is, due to violence i.e., bomb blasts by terrorists, anti-social elements in public places."

9. By relying upon these averments made by the respondents in their counter affidavit, the learned counsel for the appellant would contend that the injuries were sustained by the appellant while he was on *bona fide* Government duty and accordingly, he is entitled to all benefits as per the rules.

10. According to the learned counsel for the appellant, only in that context, whether the case of the appellant can be fitted in under category 'D' or not, can be decided and therefore, he would submit that in category 'E', the first situation mentioned is, attack by or during action against extremists, antisocial elements,



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etc., within which the appellant should be fitted in and as there has been an attack either by extremists or by antisocial elements and arising out of such attack, the appellant had got disablement, certainly, the appellant can be brought under category 'E'.

11. The learned counsel for the appellant has also brought to our notice, the new CCS (EOP) Rules *i.e.*, 2023 Rules, under which some slight modification has been made in the categories, as per which, in Rule 9, under the heading "Classification of cases of death or disability", there are only four categories *i.e.*, category 'A' to category 'D' and the situations which have been mentioned in category 'E' of old CCS (EOP) Rules have been brought under category 'D' of new CCS (EOP) Rules, with a small amendment stating that attack targeted against the Government servant by terrorists, extremists, antisocial elements, etc. is a situation, where the disability has arisen as a result of which, the Government servant can be fitted in under category 'D' of new CCS (EOP) Rules. Therefore, the difference under the new CCS (EOP) Rules in category 'D' is the addition to the effect that the attack must have been targeted on the Government servant by terrorists or extremists or by antisocial elements. But, such a prescription is not



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available under the old CCS (EOP) Rules. Admittedly, the incident since took place on 30.10.2008 and the said date is covered under the old CCS (EOP) Rules and therefore, the case of the appellant can be fitted in under category 'E', thereby, the appellant would be entitled to get full pension. Hence, the order impugned is erroneous and accordingly, it is required to be interfered with, he contended.

12. We have heard Mr.M.Karthikeyan, learned Senior Panel Counsel appearing for the respondents, who would submit that, no doubt, while on NAKA duty *i.e.*, checkpoint duty, this incident took place, where series of bomb blasts occurred on the particular day *i.e.*, 30.10.2008 and one such bomb blasted where the vehicle in which this force travelled after completing NAKA duty was involved, resulting in injuries to the members of the force, due to which, in fact, one person died. Even the person who died was also on duty along with the appellant himself had been brought under category 'D' only and not under category 'E', he contended.

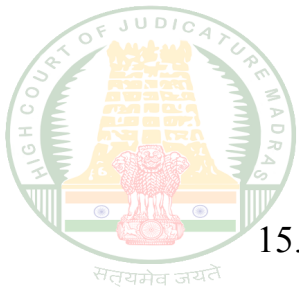


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13. The learned Senior Panel Counsel would add reasons for such categorisation because, in category 'D', even if death occurred, it is attributable to acts of violence by terrorists, antisocial elements, etc. whether in performance of their duties or otherwise and they can be fitted in only under category 'D'. He would further submit that death or disability arising as a result of attack by or during action against extremists, etc. and enemy action in international war, extremists acts, exploding mines, etc. while on way to an operational area, are the situations wherein, if a death occurred or a member is injured, due to which there has been death or disability, in those cases, they can be considered for pension under category 'E'.

14. Therefore, the learned Senior Panel Counsel wants to differentiate between category 'D' and category 'E', by repeatedly reading these two categories under Schedule-II of the old CCS (EOP) Rules, which in fact, is applicable to the case in hand and stated that the case of the appellant cannot be fitted in under category 'E'.



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15. We have considered the said rival submissions made by the learned counsel appearing for both sides.

16. The admitted facts are that the appellant is a member of CRPF and while he was on duty on the particular day *i.e.*, on 30.10.2008 in Guwahati, this incident took place. Even according to the averments made in the counter affidavit filed by the respondents, when the force, after completing NAKA duty, were about to board the bus to reach the battalion's location, suddenly, a bomb placed in a car blasted, due to which, three members of the section, including the appellant were severely injured. Later, one among the three injured members died and the appellant became permanently disabled. This position has been admitted by the respondents and they have gone to the extent of saying that the appellant got injured while he was on *bona fide* Government duty and accordingly, he would be entitled to all benefits as per rules.

17. Therefore, the only question to be decided is, what are all the benefits for which the appellant is entitled to as per the rules which are in vogue. No



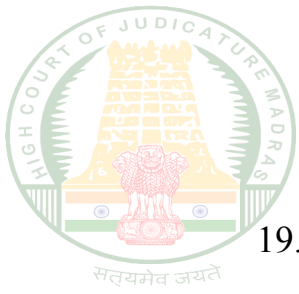
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doubt, the CCS (EOP) Rules would apply to the case of the appellant. For easy understanding, as has been extracted by the learned Single Judge in the impugned order, the rule *i.e.*, category 'D' and category 'E' of Schedule II of CCS (EOP) Rules, are extracted herein :

"Category 'D' - Death or disability, attributable to acts of violence by terrorists, antisocial elements, etc., whether in their performance of duties or otherwise. Apart from cases of death or injury sustained by personnel of the Central Police Organizations while employed in aid of the civil administration in quelling agitation, riots or revolt by demonstrators, other public servants including police personnel, etc., bomb blasts in public places or transport, indiscriminate shooting incidents in public, etc., would be covered under this category.

Category 'E' - Death or disability arising as a result of (a) attack by or during action against extremists, antisocial elements, etc... and (b) enemy action in international war or border skirmishes and warlike situations, including eases which are attributable to (i) extremists acts, exploding mines, etc., while on way to an operational area (ii) kidnapping by extremists; and (iii) battle inoculation as part of training exercises with live ammunition."

18. No doubt, if death or disability occurred and it is attributable to the acts of violence by terrorists, antisocial elements, etc., irrespective of whether during the performance of duties or otherwise, the members of the force are entitled to get benefit under category 'D' and that is what has now been done by the respondents by bringing the appellant under category 'D'.



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19. However, if we look at the exact wordings of category 'E', there are more

than one situation mentioned and each would have different or separate situations.

In the first situation, it states “death or disability arising as a result of attack by or during action against extremists, antisocial elements, etc.” In the first situation, the death or disability might have arisen, due to the attack by extremists or antisocial elements or during action against extremists or antisocial elements.

20. In this case, it may not be the situation where this incident had happened during action against extremists, antisocial elements, etc., but, at the same time, it cannot be denied that it is due to the attack by extremists, antisocial elements, etc. Without an attack by extremists, antisocial elements, etc., there would not have been any bomb blast and consequently, severe injuries could not have been sustained by three members of the force, including the appellant.

21. At this position, if we look at the new CCS (EOP) Rules which has come into force from 2023, the category 'E' in old CCS (EOP) Rules has been now made as category 'D', where there are five situations mentioned. The first situation is, the death or disability arising as a result of attack targeted against the



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Government servant by terrorists, extremists, antisocial elements, etc. The

expression “targeted against the Government servant” is a new addition under the new the CCS (EOP) Rules. These words were not available under the old CCS (EOP) Rules, while prescribing what are all the situations that can be fitted in under category 'E'. It merely states that death or disability arising as a result of attack by terrorists, extremists, antisocial elements, etc. (*emphasis supplied*)

22. Therefore, the only situation which is required to be specified under the category 'E' is that there must be an attack either by extremists or by antisocial elements and the attack need not be targeted on the force or Government servant, the attack may be random and the attack may be aiming the public at large. During such attack by extremists and antisocial elements, public also might be trapped, but, at the same time, if the force is trapped and the force while on duty is trapped, then, whether such force is entitled to get benefit under category 'E', is the only question.

23. The answer could be very simple because, in this case, there was an attack by extremists or antisocial elements. It is not the case of the respondents

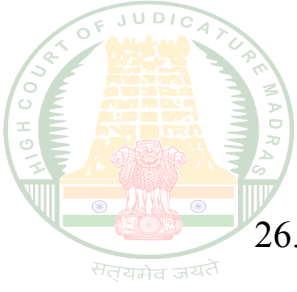


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that there has been no attack by extremists or antisocial elements. Whether the attack was aimed at force or public at large, is not a criterion to be followed or adopted in categorising the case to fit in under category 'E'. If attack is made by antisocial elements or extremists, due to which, a death has occurred or injury sustained which resulted disability, certainly, the case can be fitted in under category 'E'.

24. That being the position, the stand taken by the respondents refusing to fit in the appellant under category 'E' and fitting him under category 'D', thereby depriving him of full pensionary benefits, cannot be accepted, as it would go against the very spirit of the exact meaning of the first situation mentioned in category 'E' of Schedule-II of CCS (EOP) Rules *i.e.*, the old rules, which, in fact, applies to the case in hand.

25. This position has not been considered in its proper perspective by the learned writ Court, which has taken a straight and pedantic meaning of the language used by the rule makers under category 'D' and category 'E'. Therefore, the said approach of the writ Court and the consequential conclusion arrived at by the learned Judge is found to be erroneous.



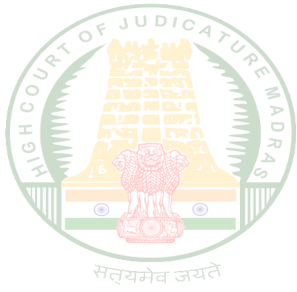
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26. Resultantly, this writ appeal deserves to be allowed and accordingly, it is allowed. Hence, the order impugned passed by the writ Court is set aside.

Consequently, the order impugned before the writ Court is also set aside and the writ petition is ordered and the writ appeal is allowed to the extent indicated above. The benefits for which the appellant is entitled to under category 'E' of Schedule-II of the old CCS (EOP) Rules, shall be calculated and with arrears, the same shall be paid and continued to be paid to the appellant within a period of three months from the date of receipt of a copy of this judgment. No costs.

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Index: Yes/No
Neutral Citation: Yes/No

(R.S.K., J.) (A.D.M.C., J.)
18.03.2025



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R. SURESH KUMAR, J.
AND
A.D. MARIA CLETE, J.

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To

1.The Inspector General of Police
Karnataka-Kerala Sector (K.K.S.)
Central Reserve Police Force (CRPF)
Group Centre, Doddaballapur Road
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