

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

202

CWP No.6041 of 2012

Decided on : 08.11.2019

Ex-Head Constable Rajvinder Singh

... Petitioner

Versus

Union of India and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Binat Sharma, Advocate for
Mr. Pradeep Sharma, Advocate for the petitioner.

Ms. Ranjana Shahi, Advocate
for respondents No.1 to 3-UOI.

Ms. Archana Vashisht, Advocate for
Mr. P.K. Longia, Advocate for respondent No.4-LIC.

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Article 226 of the Constitution of India seeks the benefit of disability pension being 50% disabled and having voluntarily retired in the year 2010 from the Border Security Force (BSF). Payments of other benefits of Group Life Insurance Scheme are also sought.

Admittedly, it is the case of the petitioner himself that he was on earned leave for 45 days while serving as a Driver (Reserve) with the BSF. He met with an accident while he was in market and his wife had died at the spot. An FIR bearing No.99 dated 06.12.2006 under Sections 279, 337, 304-A, 427 IPC was registered with Police Station, Nangal, District Rupnagar. He had remained admitted in the PGIMER, Chandigarh and thereafter, got treatment from Government Medical College & Hospital, Jammu and a disability certificate had been issued on 16.10.2009 (Annexure P-3). He was discharged from the BSF on 30.04.2010

(Annexure P-7) after serving more than 22 years.

The defence of the respondents No.1 to 3 is that the disability was not attributable to Government bonafide duties and he had tendered an application for voluntarily retirement on the ground of his compelling domestic problems, which was duly accepted. The New Insurance Scheme benefits of ₹2.5 lakhs had been paid on 11.04.2011, which is also a claim made in the writ petition. The pensionary benefits have also been remitted to him.

Similar is the defence of respondent No.4-LIC regarding the payment of ₹2.5 lakhs.

Reliance is placed upon the instructions dated 03.02.2000 (Annexure R-1) whereby on account of death or disability due to natural causes which are not attributed to Government service and the category has been classified as Category 'A'. The same is to be covered under the existing provisions of Central Civil Service (Pension) Rules. The relevant portion of the instructions dated 03.02.2000 (Annexure R-1) reads as under:-

“Category 'A'

Death or disability due to natural causes not attributable to Government service. Examples would be chronic ailments like heart and renal diseases, prolonged illness, accidents while not on duty etc.”

Category 'E'

(i) Cases covered under the Category (A) would continue to be covered under the normal existing provision of CCS (Pension) Rules.”

It is, thus, obvious that the petitioner having met with an accident while on earned leave and not on duty the disability as such which has has suffered is not on account of any cause which is attributable to Government service. Therefore, his claim as such on that account cannot be held enforceable under any specific provision.

In such circumstances, the claim as such for disability pension apparently is not made out. Accordingly, there is no merit in the present writ petition and the same is dismissed.

NOVEMBER 08, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No