

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.591 of 2021**

**In**  
**Civil Writ Jurisdiction Case No.2925 of 2020**

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Shobha Devi Wife of Tej Bahadur Singh, F/No. 731140193 Ex. Nk/G.D. Ex-Nayak, Central Reserve Police Force, Resident of Village- Sowon, P.S.- Krishnabrahm, P.O.- Sowon, District - Buxar, Bihar.

... .. Appellant/s

Versus

1. Union of India through The Secretary, Ministry of Home Affairs, Department of Central Reserve Police Force, Government of India, New Delhi.
2. Pay and Account Officer, Central Pension Accounting Officer, Government of India, New Delhi.
3. Inspector General, Orissa Sector, Central Reserve Police Force, Bhubaneswar, Orissa.
4. Deputy Inspector General of Police, Group Centre, Central Reserve Police Force, Bhubaneswar.
5. Additional D.I.G.P. Group Centre, Central Reserve Police Force, Bhubaneswar- II.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|--------------------------------|
| For the Appellant/s  | : | Mr. Anjani Kumar Jha, Advocate |
| For the Respondent/s | : | Dr. Krishna Nandan Singh, ASG  |
|                      |   | Mr. Ram Anurag Singh, CGC      |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 21-07-2022**

Heard learned counsels for the parties.

2. In the instant appeal, appellant has questioned the validity of the order dated 09.09.2020 passed in C.W.J.C No. 2925 of 2020 whereby the appellant's writ petition was dismissed. In the



writ petition the petitioner has prayed for the following relief/reliefs:

(i) Issuance of appropriate writ in the nature of certiorari for quashing the order dated 29.11.2019 (Annexure – 5) rejecting the petitioner's claim of full salary and/or full pension and invalid pension, as well as reimbursement of medical expenses and compassionate appointment and exemplary damages.

(ii) Issuance of declaration that so called order of proposed voluntary retirement of petitioner's husband by letter dated 11.10.1994 seeking to retire petitioner w.e.f. 10.11.2994 mentioned in pension book by letter dated 29.10.1994 w.e.f. 10.11.1994 is void and illegal being in teeth of and contrary to earlier order dated 10.10.1994 declaring petitioner's husband by medical board as medically unfit due to "PARANOID SCHIZOPHRENIA" which is a mental infirmity which permanently incapacitated him from the service in terms of Rule 38 of C.C.S. Pension Rule 1972.

(iii) Issuance of Mandamus commanding respondents to full salary and other benefits w.e.f. 10.11.1994 the illegal voluntary retirement date upto schedule date of retirement including salary and benefit of promotional post of Hawaldar which was illegally not given and/or to pay full pension and full invalid pension.

(iv) Issuance of mandamus commanding respondents to reimbursed medical expenses @



25000/- per month w.e.f. 10.10.1994 onward till date and in future also.

(v) Issuance of mandamus to respondents to consider giving compassionate appointment to elder son Manish Kumar Singh.

(vi) Issuance of Mandamus to pay exemplary damages and compensation to save the life and living of family of petitioner which is at starvation stage.

(vii) Any other relief or reliefs or which the petitioner may be deemed entitled under the law in the facts and circumstances of the case.”

3. Learned Single Judge rejected the petitioner’s claim on the ground of delay and laches. Paragraph Nos. 4, 11 and 12 of the judgment reads as under:

“4. On the other hand, Mr. Ram Anurag Singh, learned advocate appearing of the Union of India submitted that Naik (NK) Tej Bahadur was enlisted in CRPF on 03.05.1973. After completion of 20 years of qualifying service, he had referred a notice dated 29.10.1994 along with undertaking certificate for voluntary retirement from service. Accordingly, his voluntary retirement notice was accepted by the competent authority with effect from 01.11.1994 vide office order dated 29.10.1994. He contended that after his voluntary retirement from service with effect from 01.11.1994, he was allotted pension payment order and his pension was revised from time to time as per 6<sup>th</sup> and 7<sup>th</sup> CPC, After a lapse of about 25 years from the date of retirement, he submitted an application dated 21.10.2019 to the IGP, Odisha Sector, CRPF in connection with sanction of invalidation pension as well as for compassionate



appointment of his son. In turn, GC, Bhunaneswar, Odisha Sector, CRPF vide letter dated 25.11.2019 intimated that he is not entitled for invalidation pension as he proceeded on voluntary retirement with effect from 01.11.1994. He further contended that as per instruction contained in CRPF Standing Order No. 05/2001 for appointment on compassionate ground, widow, son or daughter including adopted son/daughter of the government servant, who dies in harness including death by suicide, missing and medically invalidated personnel are eligible. Further, real brother or sister, where the deceased was not married and the parents were dependent upon him having no other means of livelihood, are also eligible. Since, it was not a case of a government servant, who died in harness including death by suicide, missing and medically invalidated personnel, the son of the petitioner was not eligible for compassionate appointment. He contended that the application lacks merit and is fit to be dismissed. He also contended that since Naik (NK) Tej Bahadur had proceeded on voluntary retirement, he is not entitled for invalidation pension.

**11.** The writ petition filed after 25 years of voluntary retirement, lacks merit. It is dismissed, accordingly.

**12.** Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

(i) The judgment, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Sr. Secretary.

(ii) The corrected copy of the judgment shall be transmitted by me from my email id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.



(iii) Hard copy of the judgment duly signed by me shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the judgment be sent to Md. Najmul Hodda, learned counsel for the petitioner also on his email.

(v) Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.”

4. Nodoubt invalid pension in services is a continuing cause of action. In other words, if the appellant made out a *prima facie* case that her husband was entitled to invalid pension due to “Paranoid Schizophrenia” was during the course of the employment. One of the criteria for extending invalid pension is that an employee must have suffered certain disability during the course of employment. The appellant has not apprised this Court that her husband suffered the aforesaid disability so as to extend invalid pension with reference to the factual aspects of the matter that deceased employee suffered the aforesaid disability during the course of the employment. In the absence of material information and recording by the competent authority that the deceased suffered “Paranoid Schizophrenia” during the course of the duty, the appellant is not entitled to have the benefit of invalid pension on behalf of deceased husband – Naik (NK) Tej Bahadur Singh. Recently Apex Court in the case of ***Union of India and Others vs.***



*Ex. Naik Ram Singh, 2022 Live Law (SC) 611* discussed invalid pension. Moreover appellant’s husband Tej Bahadur Singh had sent a notice of voluntary retirement on 29.10.1994 and it was accepted w.e.f. 01.11.1994. His pension payment was ordered and revised pension was also granted in terms of 6<sup>th</sup> and 7<sup>th</sup> C.P.C. Thereafter, on 21.10.2019 an application for grant of invalid pension was submitted to IGP, Odisha Sector CRPF, i.e., after two and a half decades from the date of acceptance of voluntary retirement. Belated claim of invalid pension is deprecated by the Apex Court in its decision reported in **2022 Live Law (SC) 619 – Union of India and Others vs. Ex. Sep. R. Munusamy**. In the light of principles laid down in the Apex Court decisions cited *supra*, appellant has not made out a case.

5. Accordingly, petition stand dismissed.

**(P. B. Bajanthri, J)**

**( Rajiv Roy, J)**

GAURAV S./-

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