

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.7012 of 2014

I.Padmanabhan

... Petitioner

-Vs-

1. Union of India,
Through Secretary to Government of India,
Ministry of Home Affairs,
North Block, New Delhi - 110 001.

2. The Director General,
Border Security Force,
Head Quarters, Block No.10, 5th Floor,
CGO Complex, Lodhi Road,
New Delhi - 110 003.

3. The Commandant,
26, Battalion, BSF,
Raisinghnagar,
Ganga Nagar District,
Rajasthan.

4. The Commandant,
26 Battalion, BSF,
SHQ BSF, Baramullah,
Kashmir, Jammu Kashmir State.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent dated 24.11.1982 vide Discharge Certificate Serial No.01 by which the petitioner was discharged from service with effect from 30.11.1982 without pensionary benefits and quash the same in so far as the same was issued without any pensionary benefits and direct the respondents to release the pensionary beenfits from 1.12.1982 with applicable interest to the petitioner forthwith.

For Petitioner : Mr.G.Magesh Kumar

For Respondents : Mr.G.Venkataswamy Babu
Central Govt. Standing Counsel.

O R D E R

The relief sought for in the present writ petition is to direct the respondents to settle the pensionary benefits and the petitioner further challenged the discharge certificate issued by the 3rd respondent on 24.11.1982.

2. The writ petitioner made a request for discharge of his services and accepting the request the respondents have issued orders discharging the writ petitioner and accordingly, the discharge certificate was issued on 24.11.1982. With reference to the pensionary benefits, the rule contemplates 20 years of service for grant of all such pensionary benefits. In the present case, the admittedly, the petitioner has not completed 20 years of service and therefore, he is not entitled to claim pensionary benefits as per the rules in force.

3. As far as the discharge certificate is concerned it has been issued at the request of the writ petitioner and therefore, now he cannot turn around and challenge the said certificate issued by the competent authorities.

4. For all these reasons, the writ petition deserves no further consideration and the writ petition stands dismissed. No Costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government of India,
Union of India,
Ministry of Home Affairs,
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Kashmir, Jammu Kashmir State.

+1cc to Mr.G.Magesh Kumar, Advocate, S.R.No.40990

W.P.No.7012 of 2014

PL(CO)
CT/25/07/2022