



W.P.No.6107 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM :

THE HON'BLE Ms. JUSTICE R.N. MANJULA

W.P.No.6107 of 2020

BSF Ex-Servicemen Welfare,
Association of Tamil Nadu,
(Registration No.298/2008)
Represented by its President S.K.Srinivasan,
MMDA Colony, Arumbakkam,
Chennai – 600 106.

... Petitioner

Versus

- 1.The Union of India,
Represented by its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi – 110 001.
- 2.State Government of Tamil Nadu,
Represented by its Secretary,
Public (Ex-Ser) Department,
Fort.St.George, Chennai – 9.
- 3.The Principal Secretary to the Government,
Public Department,
Fort.St.George, Chennai – 9.
- 4.Welfare and Rehabilitation Board,
Represented by its Secretary,
CAPFs and Assam Rifles,
Ministry of Home Affairs,
Room No.204-205, II Floor, “F” Wing,
Nirman Bhawan, New Delhi – 110 011.



W.P.No.6107 of 2020

5. The Chairman,
Welfare and Rehabilitation Board,
Central Armed Police Force,
Ministry of Home Affairs,
East Block, V Sector,
No.1, RK Puram,
New Delhi – 110 066.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Declaration, to declare that the retired and Ex-members of the Border Security Force in the State of Tamil Nadu are on par with the Ex-Servicemen of the Army, Navy and Air-Force for obtaining the benefits extended to the Ex-Servicemen in the State of Tamil Nadu and issue such further or other orders or directions deemed fit and proper in the facts and circumstances of the case.

For Petitioner : Mr.A.Irudayam,
for Mr. M. Ramamoorthi

For Respondents : Mr.V.Ashok Kumar,(for R1,R4& R5)
(CGSC)
: Mr. T. Chezhiyan, (for R2 & R3)
Additional Government Pleader

ORDER

This Writ Petition has been filed to declare that the retired and Ex-Servicemen of the Border Security Force in the State of Tamil Nadu are entitled to the same benefits as Ex-Servicemen members of the Army, Navy, and Air Force, by issuing distinctive orders or directions deemed to be fit



W.P.No.6107 of 2020

according to the facts and circumstances of the case.

WEB COPY

2.The petitioner association seeks a direction to direct the respondents to consider their request and to extend the benefits to all the BSF employees working under the State and Union Territory Governments with suitable benefits on the lines of the benefits extended to the Ex-Servicemen of the Defence Force. The Government of India took into note the contribution done by the Border Security Force, which protects the International Border of India stretching out to 6000 Km. As per the directions issued by the Ministry of Home Affairs, vide notification dated 05.06.2013, the Union Territory of Dadra and Nagar Haveli and the Government of Haryana has formed the Directorate of Sainik Welfare (Soldier) and Ardh Sainik (Paramilitary) separately. On 10.06.2013, in the meeting which was held between the Officials of the Government of Tamil Nadu with the Officials of Paramilitary Forces, was decided that since most of the Ex-Servicemen of the Board Security Force and other Paramilitary Forces are taking voluntary retirement, they still number of active service left and hence can be gainfully employed in the Tamil Nadu Ex-Servicemen's Corporation. But this decision did not materialize into action.



W.P.No.6107 of 2020

3.The learned counsel for the petitioner has submitted that the Hon'ble First Bench of this Court passed orders in W.P.No.3140/2017, based on the decisions of the Government of India, dated 23.11.2012, directing the Government of Tamil Nadu to reservation the wards of the retired personnel from Paramilitary Forces in the Educational Institutions. This Court in W.P.No.18665/2017 has dealt with the decisions of the Government of India, dated 23.12.2011 and directed Anna University to provide reservation to the children of the retired BSF personnel under the Ex-Servicemen Category. For which, the Petitioner Association has made several representations before the Government to treat them as Ex-Servicemen of the Border Security Force as that of the Ex-Servicemen of Defence Services. Their last representation dated 12.08.2019 was also not considered. Since the issue has not been resolved for many years, the Petitioner Association has come up with the present prayer to declare that the retired and Ex-members of the Border Security Force in the State of Tamil Nadu are on par with the Ex-Servicemen of the Army, Navy and Air-Force for obtaining the benefits extended to the Ex-Servicemen in the State of Tamil Nadu and to issue such further or other orders or directions deemed fit and proper in the facts and circumstances of this case. Hence, the Writ Petition.



W.P.No.6107 of 2020

4.It is submitted by the learned Additional Government Pleader appearing for the second and third respondent that the petitioner association has no *locus standi* to file a Writ of Declaration on behalf of the individuals, more particularly in service matters. Further, he would submit that if any objection has to be raised by the aggrieved individual, they should have to file a Writ Petition and seek any relief in this regard. In support of his contention, he also relied on the Judgment of this Court, held in ***Tamil Nadu Survey Officers Union (Central), -Vs- The Government of Tamil Nadu, and 8 Others., in W.P.No.10465 of 2020, dated 28.04.2022***, in the said case it is held as follows:-

*“13. In the judgment dated 28.03.2018 in W.A.No.1792 of 2017 [The Secretary to Government, Chennai-9 and Others v. The Tamil Nadu Higher Secondary Vocational Teachers Association], the Hon'ble Division Bench has observed that **“There is no question of entertaining the writ petition at the instance of the Association in a Service Matter and directing the Government to grant the benefits to the members of the***

Association. Nothing prevented the employees who worked as Vocational Instructors to approach the Court for appropriate relief. Since it is a service matter, the concerned employee has to approach the Court. There is no locus standi for the Association to approach the Court for the purpose of giving service benefits to its members...”

14. Admittedly, in the case on hand, the present writ petition has been filed on behalf of its members and the members of the petitioner's Association are



W.P.No.6107 of 2020

employees of the Survey & Settlement Department and they cannot be presumed to be poor, disabled or disadvantaged to approach this Court individually. In the light of the aforesaid decision of the learned Single Judge of this Court in Bharathidasan University Backward Class and Most Backward Class Employees Association (cited supra), and the Division Bench judgment cited supra, the writ petition which pertains to service matter, is not maintainable.

15. In the light of the above discussions and following the decision of the Division Bench of this Court cited supra the contention of the petitioner cannot be countenanced and this Court is of the view that the petitioner Association has no locus standi to challenge the impugned Government Order and therefore, the present writ petition is not maintainable and deserves dismissal.

16. In the result, this Writ Petition stands dismissed.....”

[emphasis supplied]

5.As per the aforesaid judgment, the present prayer was well-settled by this Court, by holding that a Writ Petition filed by any of the association, in service matter on behalf of the individuals is not maintainable. In view of the above, nothing survives for further adjudication. Hence, the Writ Petition is liable to be dismissed without going into the merits of this case.

6.With the above observation and the submission made by the learned



W.P.No.6107 of 2020

Additional Government Pleader, the Writ Petition is dismissed. No costs.

WEB COPY

01.11.2023

Index : Yes/No
Speaking / Non-Speaking order
Neutral Citation : Yes/No

klt

To:

- 1.The Secretary, Union of India,
Ministry of Home Affairs,
North Block, New Delhi – 110 001.
- 2.The Secretary, State Government of Tamil Nadu,
Public (Ex-Ser) Department,
Fort.St.George, Chennai – 9.
- 3.The Principal Secretary to the Government,
Public Department,
Fort.St.George, Chennai – 9.
- 4.The Secretary, Welfare and Rehabilitation Board,
CAPFs and Assam Rifles, Ministry of Home Affairs,
Room No.204-205, II Floor, “F” Wing,
Nirman Bhawan, New Delhi – 110 011.
- 5.The Chairman, Welfare and Rehabilitation Board,
Central Armed Police Force, Ministry of Home Affairs,
East Block, V Sector, No.1, RK Puram,
New Delhi – 110 066.



WEB COPY



W.P.No.6107 of 2020

R.N. MANJULA, J.

klt

W.P.No.6107 of 2020

01.11.2023