

26.07.2024
Court No.13
Item No.12
BD.

CPAN 1052/2024
in
WPA 3847 of 2024

Tanay Das
Versus
R.K.Tripathi, Commandant, 118 BN BSF & Anr.

Mr. Krishna Das Poddar
... for the petitioner.

Mrs. Chandreyee Alam
Mrs. Runu Mukherjee
... For the alleged contemnors.

1. It appears that the petitioner has been retired on the ground of unfitness.
2. This Court in its order dated 25th April, 2024 directed the petitioner to be retired on medical grounds. Such retirement would entitle the petitioner to both pension and family pension and all other facilities.
3. It further appears that even the pension of the petitioner sanctioned by the BSF has not been started for want of joint bank account and Aadhar Card and PAN card.
4. The petitioner shall forthwith open joint bank account with his wife, and submit a cancel cheque to the respondent authorities.
5. The Certificate Armed Salary Package is in the nature of insurance which the BSF has processed and the matter is pending with the

concerned Insurer M/S TATA AIG. The insurance payment has not yet disbursed. Tata AIG has not yet confirmed the writ petitioner's entitlement in this regard. The Regional Head of the Tata AIG is added as an alleged contemnor to the instant proceedings.

6. Let service be effected along with all pleadings and orders in the contempt application and the writ petition.
7. The Commandant BSF, Calcutta, shall furnish the letter processing the petitioner's insurance claim to the learned advocate for the petitioner, who shall forward the same to the Tata AIG.
8. In so far as the Golden Jubilee Sima Prahari Scheme is concerned, it appears that entitlement under the same shall be available to the petitioner within thirty days from the receipt of the medical report.
9. The Commandant, BSF, Calcutta, is stated to have sent the papers to the Headquarters of the Commandant 118, BSF, New Delhi on 18th May, 2024.
10. The DIG, (Administration) FHU, BSF New Delhi, (Welfare), has not yet processed the same. He shall also explain as to why the Golden Jubilee benefit has not been made to

the petitioner.

11. The said DIG, (Administration) FHU, BSF New Delhi, (Welfare), be added as alleged contemnor to this proceedings.
12. Let service be effected of all pleadings and orders in the writ petition and contempt application on the said DIG BSF.
13. The Regional Director Tata AIG and the Commandant, 118 BSF at Calcutta and the DIG (Admn.) FHU, BSF, New Delhi (Welfare), shall be virtually present before this Court on the adjourned date to explain their conduct to this Court.
14. If the petitioner furnishes particulars of the joint bank account with his wife before the adjourned date it is expected that the pension on account of retirement on medical ground and the claim payable therein shall be released to the petitioner before the adjourned date.
15. The petitioner claims that he has been retired on the ground of unfitness whereas he ought to have been retired in terms of Rule 4 3(b) read with Rule 9(B) of the CCS (Extra Ordinary Pension Rules) 2023. Rule 38 of the CCS Pension Rules. Reference is made to the case of Badan Singh (Ex Constable) -vs-

Union of India reported in 2002 SCC online (Del) 335.

16. Pendency of these proceedings and directions herein shall not prevent the respondents from complying with the order passed by this Court.
17. The respondents may also file a report before this Court on the adjourned date with a prior service of notice to the petitioner.
18. Leave is granted to the petitioner to carry out the amendments to the contempt application incorporating names of the alleged contemnors.
19. List the matter on Friday week (09.08.2024).

(Rajasekhar Mantha, J.)