



W.P.(MD)No.17526 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 16.08.2024

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.17526 of 2022**

**and**

**W.M.P(MD)Nos.12754 and 12755 of 2022**

T.Selvaraj

... Petitioner

Vs

1.The Union of India,  
Represented by the Secretary,  
Ministry of Home Affairs,  
New Delhi.

2.The Commandant,  
79, Battalion,  
Border Security Force,  
C/56, Andra Pradesh.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 21.04.2022 made in No.Estt/3052/79/Bn/2022-5171-74 passed by the 2<sup>nd</sup> respondent and quash the same and consequentially directing the respondents to grant all pensionary benefits to the petitioner.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.K.R.Laxman

\* \* \* \* \*



W.P.(MD)No.17526 of 2022

## **ORDER**

WEB COPY

The instant writ petition has been filed by a member of Border Security Force, challenging the order passed by the second respondent herein, wherein the pension already granted to the petitioner has been stopped on the ground that he is ineligible to receive the pension.

2.The petitioner had joined the Border Security Force on 09.06.1981 and he has resigned from the said post on 30.11.1991, after completing 10 years and 5 months of service. The petitioner had sent a representation for conferment of pensionary benefits. However, there was no response from the authorities. Hence, the petitioner has filed W.P.No.13437 of 1992 before the High Court, Madras and the High Court had directed the Accounts Officer to consider the representation of the writ petitioner.

3.After several exchange of communications, the present impugned order came to be passed by the second respondent herein to the effect that the pension cannot be granted to the writ petitioner, in view of the fact that the petitioner had resigned from the post before achieving 20 years of service. The said order is put to challenge in the present writ petition.



W.P.(MD)No.17526 of 2022

4.The learned Central Government Standing Counsel appearing for the respondents has brought to the notice of this Court, the Judgment of the Hon'ble Supreme Court of India reported in 2001 (4) SCC 309, dated 30.03.2001, wherein the Hon'ble Supreme Court while considering Border Security Force Rule 49 of CCS(Pension Rules) has arrived at categorical finding that any member of the Border Security Force, who had resigned from the post before completing 20 years of service, would not be eligible to receive pension.

5.The said order of the Hon'ble Supreme Court has been referred to in the impugned order and the request of the petitioner has been rejected.

6.The learned Counsel appearing for the petitioner is not able to lay his hands on any one of the statutory provisions to point out that he is eligible to receive pension as a member of Border Security Force despite having resigned the job before completing 20 years of service.

7.In view of the above observations, this Court finds no merits in this writ petition. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

**16.08.2024**



W.P.(MD)No.17526 of 2022

NCC : Yes/No  
Index : Yes/No  
Internet: Yes/No  
RJR

To

- 1.The Secretary,  
The Union of India,  
Ministry of Home Affairs,  
New Delhi.
- 2.The Commandant,  
79, Battalion,  
Border Security Force,  
C/56, Andra Pradesh.



WEB COPY



W.P.(MD)No.17526 of 2022

**R.VIJAYAKUMAR, J.**

RJR

**W.P.(MD)No.17526 of 2022**

**16.08.2024**