



2024:DHC:9002-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 21.11.2024*

+ W.P.(C) 16151/2024

ABHIJIT SINGH

.....Petitioner

Through: Mr. Abhay Kumar Bhargava ,
Adv.

Versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Arti Bansal, Mr. Kamal
Digpaul, Ms. Suniti Singh,
Advs.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE SHALINDER KAUR****NAVIN CHAWLA, J. (Oral)**

1. The present petition has been filed by the petitioner praying for a direction to the respondents to release the disability element of pension in favour of the petitioner, in accordance with the Central Civil Services (Extraordinary Pension) Rules, 2023.

2. The case of the petitioner is that he joined the Border Security Force (BSF) on 31.03.2008 at the rank of Constable (GD). The petitioner further asserts that at the time of joining the Force, he, in his medical examination, was found to be completely healthy. However, in the Annual Medical Examination held on 17.04.2018, the petitioner was found to be suffering from Diabetes Mellitus Type-2 multiple



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disorders and psychosomatic disorder and was placed in a low medical category, that is S2H1A1P3(T-24)E1. Thereafter, the Medical Board Proceeding held on 23.09.2021, recommended that he be placed in permanent low medical category S2H1A1P2E1, which also opined that the disability suffered by him was contracted during his service and is aggravated by the conditions of service. The petitioner was then made to appear before a Medical Board on 04.03.2024, which diagnosed the petitioner with the case of “borderline personality disorder with suicidal attempt and Diabetes Mellitus-type-2” with medical category S5H1A1P3E1 with 54% disability with effect from 04.03.2024, and was declared to be unfit for further service. Based on this report, finally by an order dated 12.08.2024 issued by the Commandant 184 Bn BSF, the petitioner was invalidated from service on the ground of physical unfitness with all pensionary benefits as admissible under the Rules. However, the petitioner has not been released the disability pension.

3. Issue notice. Ms. Arti Bansal, learned counsel, accepts notice on behalf of the respondents. She prays for time to seek instructions.

4. We are of the opinion that keeping in view the above mentioned submissions of the petitioner, it would be more appropriate that the respondents consider the present petition as a representation of the petitioner, especially keeping in view the Annual Medical Examination of the petitioner held on 17.04.2018, and decide the same with respect to his eligibility for grant of disability pension, within a period of eight weeks from today.

5. In case the decision is to release the disability pension to the



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petitioner, the same shall be released from the date he was invalidated out of service. In case, the order passed by the respondents is adverse to the interest of the petitioner, it shall be open to the petitioner to challenge the same in accordance with law.

6. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 21, 2024

SU/as

Click here to check corrigendum, if any