

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16556 of 2024

Chandan Kumar Son of Late Lalit Narayan Singh Resident of Village-
Phulwariya Nipaniya P.S.- Phulwariya District -Begusarai, PIN-851112.
Invalidated Constable No. 025201212 CT/ GD, CRPF, 215 BN, CRPF,
Mallaypur, Jamui, Bihar.

... .. Petitioner/s

Versus

1. The Union of India through the Director General, Central Reserve Police Force, New Delhi.
2. The Inspector General, Odisha, Central Reserve Police Force, Bhubneshwar, Odisha.
3. The Deputy Inspector General, Rail, Central Reserve Police Force, Sambalpur, Odisha.
4. The Deputy Inspector General, G.C., Central Reserve Police Force, Sambalpur, Odisha.
5. The Commandant, 215-BN, Central Reserve Police Force, Malaypur, Jamui, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Sharma, Adv., Mr. Alok Anand, Adv.
For the U.O.I.	:	Mr. Kumar Ravish, Adv. (C.G.C.)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 21-08-2025 Heard learned counsel for the petitioner and learned
counsel for the Union of India.

2. The petitioner has prayed for the following reliefs:-

*“(i). For issuance of writ in the
nature of Certiorari to quash the Letter No.
P-3-01/2024 dated 20.07.2024 whereby and
whereunder the respondent authorities
rejected the claim of the petitioner for grant
of 40% disability pension.*

(ii). For issuance of writ in the



nature of Mandamus for a direction to the respondent authorities to grant 40% disability pension to the petitioner as the petitioner injured during duty hour and became handicapped due to injuries with all consequential benefits.

(iii). For any other relief/ reliefs if the petitioner found entitle in the facts and circumstances of the present case.”

3. At the outset, learned counsel for the petitioner states that on the basis of consent having been given by the petitioner upon disability having suffered to him during the training imparted, the disability to the extent of 10% was assessed and for which a consent letter was obtained from him. In this background, the impugned order dated 20.02.2024 has been passed by the office of the Commandant, 215-BN, Central Reserve Police Force, Malaypur, Jamui, Bihar as contained in Memo No. -M.III-3/2023-EC-IV-215Bn.

4. From the order so passed by the Commandant, 215-BN, Central Reserve Police Force, Malaypur, Jamui, it is apparent that the entire exercise was carried out and the impugned order was passed in the background that the petitioner has already given consent on 22.01.2024 to the extent of 10% disability and also recorded his satisfaction to that effect, which would be apparent from the letter submitted before the



Commandant, 215-BN, Central Reserve Police Force, Malaypur,
Jamui, Bihar.

5. It is the case of the petitioner that the Pension Rules, which has been appended with the counter affidavit, goes to show that, in case of percentage of disability assessed by the Medical Board is up to 50%., the percentage to be reckoned for computation of pension as per disability element would be 50%. But the concerned authorities have not extended the additional pension towards the disability, which has been assessed by the competent body and in a very mechanical manner, the bona fide claim of the petitioner has been rejected.

6. It has next been submitted by drawing attention of Annexure-P/10, which is issued by the Office of D.I.G., C.R.P.F., which goes to show that even the 10% of disability pension is not being included in the pension, which is said to extended in favour of this petitioner.

7. On the contrary, learned counsel representing the C.R.P.F. has not disputed the legal position, but has submitted that the entire exercise was done on the basis of consent having been given, which is appended with the counter affidavit as Annexure-J at page 48.

8. It is the case of the petitioner that 10% disability,



which has been assessed by the Medical Invalidation Board assembled at P.H.C, C.R.P.F. at Guwahati is not being disputed by him, but only grievance which the petitioner is actually seeking by way of filing this writ petition is that even in the case of 10% disability, the provision of Pension Rules goes to show that in the case of up to 50% of disability, additional disability pension amount percentage has to be reckoned as 50% in order to compute pension for adding the same to the original pension, which is actually admissible to the petitioner, which is apparent from Annexure-P/10.

9. Taking into account the totality of the facts and the severity of the case, insofar the disability is said to have occurred during the training being imparted to the petitioner, this Court is of the view that the authorities under C.R.P.F., who is competent in law, should have taken all endeavours to extend the disability pension strictly in consonance with the provision of Central Civil Services Extraordinary Pension Rules, which goes to show that in case of disability being classified up to 50%, the additional disability pension would be to the extent of 50%, but the same has not been settled in accordance with the applicable Rules.

10. At this stage, the period of limitation of five years,



which has been taken, is also condoned in view of the fact that has wrongly been applied in the case.

11. Learned counsel for the petitioner submits that the petitioner was under continued treatment, and therefore, the application made with regard to limitation of five years, that is completely out of box and it is against the provision of the Rules and, therefore, the period of limitation, which has been applied in the case of the petitioner is condoned and accordingly, the case of the petitioner is directed to be considered as per the extant rules.

12. In such view of the matter, this Court by interfering with the order impugned, directs consideration of his case in terms of the Pension Rules as aforesaid with amendments up to date and further directed the authorities to extend enhanced pension as per the Pension Rules within actual benefits as applicable in accordance with law within a period of eight weeks from the production of a copy of this order.

13. Accordingly, the instant writ petition is disposed of.

(Ajit Kumar, J)

pravinkumar/-

U			
---	--	--	--

