

08.04.2025

Item No.6
Crt.No.02
b.r.

WPA 3141 of 2025

Daroga Yadav
-vs-
Union of India & Ors.

Mr. Pankaj Agarwal
Ms. Champa Pal
..... for the petitioner.

Mr. Suryaneel Das
..... for the Union of India.

Mr. Pankaj Agarwal, learned advocate appears for the petitioner.

Mr. Suryaneel Das, learned advocate appears for the respondents.

The petitioner was employed in Boarder Security Force. While on duty, the petitioner has suffered injury in the year **1991**. Due to such injury, the petitioner has become disabled **100%**. The Medical Certificate issued by All India Institute of Medical Science, **annexure p-1 at page-14 dated November 11, 1993** has confirmed the **100%** disablement of the petitioner.

The law makes the petitioner entitled to receive the disablement pension. The record shows, the petitioner had an unblemished carrier record.

Under the impugned order dated **December 20, 2024**, the claim of the petitioner was rejected principally on the ground that the application of the petitioner was sent to the Joint Hospital, Border Security Force, Baishnabnagar for Medical Board. However, the petitioner had been transferred to **118 Bn.** No step was taken by **115 Bn.** regarding the opinion of the Medical Board.

On perusal of the reasons from the reasoned order, it appears to this Court that, the decision for transfer of the petitioner from one battalion of another battalion force was the decision of the Defence Authority, where petitioner had no role to play.

On the contrary, it shows that immediately on the transfer order being issued, the petitioner accepted the same and shifted to the transferred place, which in the considered opinion of this Court demonstrates the *bona fide* on the part of the petitioner and his sincerity and commitment towards the disciplined force for serving the country.

In view of the above, this Court is of the considered view that the reasons in the impugned order cannot sustain.

Accordingly, the reasoned order dated **December 20, 2024, annexure-p3 at page-22** to the writ petition stands **set aside** and **quashed**.

In view of the above, a complete set of this writ petition along with a copy of today's order shall be served by the petitioner upon the **respondent no.5** forthwith.

The **respondent no.5** then positively after compliance of all the formalities and requirement shall release and pay the disabled pension to the petitioner by crediting his Bank Account forthwith.

It is noted that the petitioner has retired from his service on and from **March 31, 2025**.

The entire exercise as directed above, shall be carried out and completed including making payment to the petitioner by the respondent no.5 and/or the appropriate authority of Defence Department positively within a period of **six weeks** from the date of communication of this order.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

This order is being passed considering the special circumstance involved in this case and shall not be treated as precedence.

With the above observations and directions, this writ petition, **WPA 3141 of 2025** stands **allowed**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)