

Court No. 2
05.8.2025
(Item No. A-181)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 10521 of 2025

Raju Sarkar
VS
Union of India & Ors.

Mr. Krishna Das Poddar
Ms. Mandira Barman
.... For the petitioner
Mr. Subhankar Chakraborty
Ms. Ruchira Manna
.... For Union of India

Affidavit of service filed in Court today is
taken on record.

Mr. Krishna Das Poddar, learned
advocate appears for the petitioner.

Ms. Ruchira Manna, learned advocate
appears for Union of India.

The sole grievance of the petitioner is
that, the petitioner was a BSF employee and
has suffered disablement. In support the
petitioner has relied upon a disablement
certificate, **annexure P-5** at **page 26** to the writ
petition dated **May 2, 2024**. The petitioner
claims his retirement benefit along with other
admissible allowances including disablement
pension under the Extraordinary Pension
Rules. The petitioner submitted his
representation dated **March 25, 2025**,
annexure P-9 at **page 42** to the writ petition
but the same has not yet been disposed of.

In view of the above, the respondent no. 4 is directed upon issuing a prior hearing notice of at least seven days to the petitioner and his learned advocate on record herein, since the petitioner claims to be disabled, and after granting him an opportunity of hearing shall dispose of the said representation dated **March 25, 2025, annexure P-9** at **page 42** to the writ petition by passing a reasoned order in accordance with law.

It is needless to mention that, the petitioner shall be entitled to attend the hearing through his duly authorized representative also.

The entire exercise shall be carried out and completed by the respondent no. 4 positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner and his learned advocate on record positively within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner or the rival claims of the other side and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying

upon records and documents he wishes to rely upon before the respondent no. 4 but the same shall not travel beyond the scope of the said representation dated March 25, 2025.

In the event, the reasoned order goes in favour of the petitioner, the appropriate authority/authorities shall give an immediate effect thereto by taking all consequential steps including crediting the bank account of the petitioner by making the necessary payment in accordance with law but positively within a period of **four weeks** from the date of the said reasoned order to be passed.

It is made clear that, this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to his claim or any portion thereof before the respondent no. 4 strictly in accordance with law.

It is also needless to mention that, whatever admissible amount is to be found due and payable to the petitioner in accordance with law, the same shall have to be paid.

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

With the above observations and directions this writ petition **W.P.A. 10521 of 2025** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)