

Court No. 2

24.6.2025

(Item No. 17)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 12724 of 2025

Daroga Yadav
VS
The Union of India & Ors.

Mr. Chirantan Sarkar
Mr. Sultan A. Mondal
.... For the petitioner
Mr. Rabi Prosad Mookherjee
Mr. Rahul Sarkar
.... For the respondents

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

Mr. Chirantan Sarkar, learned advocate
appears for the petitioner.

Mr. Rabi Prosad Mookherjee, learned
counsel appears for Union of India.

The petitioner is a retired BSF
Constable. He retired in the month of **March**
2025, as this Court has been informed by the
learned counsel for the petitioner. During his
service tenure the petitioner has become 100%
disabled. The petitioner has already received
and has been receiving disabled pension. The
petitioner now claims **Constant Attendant**
Allowance (CAA) along with other benefits as
mentioned in prayer **(b)** to the writ petition.

In view of the above, the petitioner shall serve a copy of the complete set of writ petition along with a copy of today's order upon the respondent no. 4 forthwith.

The respondent no. 4 then upon issuing a prior hearing notice to the petitioner of at least **seven days** and after granting him an opportunity of hearing shall decide the issue in the light of the claims made in the writ petition by passing a reasoned order in accordance with law.

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 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 and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the respondent no. 4 but the same **shall not travel beyond the**

scope of the prayers made in the writ petition.

In the event, the reasoned order goes in favour of the petitioner, the appropriate authority shall give an immediate effect thereto in accordance with law but positively within a period of **four weeks** from the date of the said reasoned order to be passed.

If any arrear is found to be payable, the same shall also be paid to the petitioner along with interest @ **6% per annum** since the date of the entitlement of the petitioner in accordance with law, if any, till the actual payment to be tendered to the petitioner.

It is also 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 before the respondent no. 4 strictly in accordance with law.

It is made clear that, while deciding the issue the respondent no. 4 shall be free to proceed independently by applying his independent mind but in accordance with law. The respondent no. 4 shall not be influenced by any observation made by this Court.

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. 12724 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.)