

06.02.2025
Court No.23
DL – 12
(PP)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 26583 of 2024

**Daroga Yadav
versus
The Union of India & Ors.**

Mr. Chirantan Sarkar,
Mr. Sultan A. Mondal

.... for the petitioner.

Mr. Rudra Jyoti Bhattacharjee,
Ms. Debjani Ghosal

....for Union of India.

Mr. Rudra Jyoti Bhattacharjee, learned advocate assisted by Ms. Debjani Ghosal, learned advocate appears on behalf of the respondents. He submits that few days back he received the brief but due to certain unavoidable circumstances could not appear when the matter was called on 30th January, 2025. Since Mr. Rudra Jyoti Bhattacharjee and Ms. Debjani Ghosal have been engaged much before, there is no necessity for Mr. Brajesh Jha, learned advocate to take necessary instructions and apprise this Court as indicated in the order dated 30th January, 2025 passed in WPA 26590 of 2024.

The petitioner while working as a Constable in the Border Security Force (in short, BSF) on 24th May, 1991 while performing patrolling duty at Copwara Sector in Jammu & Kashmir suffered an insurgency attack, as a

consequence whereof his vision was affected. The petitioner was declared 100% blind in both eyes by the All India Institute of Medical Science (in short, AIIMS), New Delhi on 11th November, 1993. The supporting document is at page 13 of the writ petition. There is no dispute as to the fact. The petitioner says that BSF was kind enough to retain him by allotting him suitable job and is still in service as a Typist. The petitioner says that in view of the office memorandum issued by the Ministry of Finance, Department of Public Enterprises, Government of India dated 21st February, 2022, the petitioner is entitled to double transport allowance. The petitioner has been paid the same, but it was discontinued after July, 2017. The petitioner says that though he has submitted relevant documents required for processing his double transport allowance, but after July, 2017 no money has been released on such account. The petitioner's claim for double transport allowance was rejected on the ground that the latest medical board proceedings (Part-I & II) and the latest certificate of disability issued from the Government Civil Hospital are essentially required to allow such double transport allowance. The letter, according to the petitioner, suggests that the petitioner had filed all necessary documents for processing his claim on account of double transport allowance, but it was not received since the latest medical prescription has not

been submitted. Neither the memorandum dated 21st February, 2022 nor any rules has been shown wherefrom it appears that the latest medical board proceedings or the latest disability certificate is required to be produced.

The petitioner says that once AIIMS has certified the petitioner to be 100% blind, the question of appearing before the medical board or receiving the benefits only after due certification by the medical board as to his latest position of eyes does not arise.

It is also correct that the employer may have a doubt as to the condition of vision of the petitioner after a long passage of time.

It is made clear that if the employer has any doubt as to the petitioner's present condition of eyes, the respondents can refer the petitioner for complete eye checkup at the Regional Institute of Ophthalmology situated in the Medical College Campus of Kolkata.

In the aforesaid facts and circumstances, I direct the respondents to release the pending claim of the petitioner for double transport allowance with interest @ 6% per annum at the earliest, but not later than 6 weeks from date.

So far as the other claims are concerned, the petitioner is not so serious in pressing the same.

In such circumstances, the respondents are directed to pay only the double transport allowance

month by month in accordance with law after clearing the arrears.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

Disposal of the writ petition, however, will not stand in the way of the petitioner in claiming other reliefs, if any, in accordance with law, if so entitled.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)