



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

119

CWP-11341-2025 (O&M)

Date of decision: 25.04.2025

Kailash Bhaskar

...Petitioner

VERSUS

Union of India and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Kshitiz Goel, Advocate for the petitioner(s).

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the instant writ petition is to the order dated 04.12.2024, whereby the representation of the petitioner has been declined by respondent No.2.

2. Learned counsel appearing on behalf of the petitioner contends that the petitioner was enrolled with the Border Security Force on 15.04.2011. He worked with utmost dedication, with no adverse remarks. In the year 2016, the petitioner was diagnosed with depression along with other related ailments; however, he still continued to serve the nation. He contends that the respondent-authorities, however, passed the order dated 29.05.2024, whereby the petitioner was discharged from service on the ground that he was no more fit and in terms of Rule 25 of the BSF Rules, 1969, with the pensionary benefits as admissible under Rule 17 (read with Rule 10) of the CCS (Implementation of National Pension Scheme) Rules, 2021. He contends that aggrieved by the said order, the petitioner had approached this Court by way of CWP-20964-2024 titled as 'Kailas Bhaskar Vs. Union of



India and another’, which was disposed of vide order dated 28.08.2024 with a direction to the respondents to grant an opportunity of personal hearing to the petitioner and to pass a fresh order on his representation, expeditiously. It is submitted that the representation of the petitioner was dismissed vide order dated 04.12.2024, which is under challenge in the present petition.

3. On being confronted as to whether there is any record that would justify drawing a conclusion regarding the reasons relied upon by the respondent-authority for relieving the petitioner from service, as noticed in the order dated 29.05.2024, counsel fairly concedes that the petitioner does suffer from the diseases, namely, (i) Major Depressive Disorder, (ii) Hypertension, (iii) Diabetes Mellitus Type-II, (iv) Hypertriglyceridemia, and (v) Obesity (Class-I), as per which he is in permanent medical category S5H1A1P3E1 with 45% disability for mental illness as per the Indian Disability Evaluation and Assessment Scale (IDEAS). The fitness scenario being not in dispute, counsel contends that he does not press his prayer for setting aside the order of relieving the petitioner and confines his prayer solely to the extent of being given the admissible financial benefits under different pension schemes, including and not confined to the benefits that were apprised to the petitioner by the respondent-Department and averred in Paragraph Nos.18, 20, and 21 of the petition, which are extracted as under:—

“18. That after passing of the impugned order, the petitioner was informed that he will received following pensionary benefits:-

<i>Net Pension Per Month</i>	<i>24000/-</i>
<i>Medical Allowance</i>	<i>1000/-</i>
<i>Retirement Gratuity</i>	<i>3,12,000/-</i>
<i>Leave Encashment</i>	<i>3,27,200/-</i>
<i>CGEGIS</i>	<i>Approx. 15,000/-</i>
<i>GJHPKK</i>	<i>Approx. 10,00,000/-</i>
<i>Retirement Transfer TA</i> <i>approx.</i>	<i>25,600/-</i>

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20. *That the petitioner has also not be provided with the ex-gratia lump sum compensation as per Office Memorandum 07.06.2017 issued by the Ministry of Home Affairs. As per the Office Memorandum, the petitioner is entitled to a payment of ex-gratia lumpsum compensation. The petitioner is entitled to an amount of Rs.8,00,000/- approximately since he has been boarded out of the service on account of 45% disability aggravated in service. A copy of the Office Memorandum dated 07.06.2017 is appended herewith as Annexure P-14.*
21. *That the petitioner has also not been accorded the benefit of the National Pension Scheme. Approximately*



6,00,000/- has been withheld by the respondents on account of the NPS Scheme. This act of respondents also amounts to hostile discrimination.”

4. He submits that he would be satisfied if the respondent(s)-authorities are directed to consider the instant writ petition as a representation for the grant of financial benefits, as extracted above, in a timely manner and to release the same, should the petitioner be found eligible for them.

5. Notice of motion.

6. Ms. Shreyansi Verma, Sr. Panel Counsel, enters appearance and accepts notice on behalf of the respondent(s)-UOI. She submits that she has no objection to the consideration of the petitioner's claim for the said relief in accordance with law and to the release of the admissible financial benefits.

7. The present petition is accordingly disposed of with a direction to respondent No.2, The Commandant, Headquarters, 113 BSF, to consider the case of the petitioner by treating the present writ petition as a representation regarding the prayer for the financial benefits as enumerated in the paragraphs extracted above. A reasoned decision shall be taken with respect to the petitioner's entitlement to different financial benefits under the prevailing Rules/Schemes notified by the Government. The aforesaid decision shall be taken within a period of three months from the date of receipt of a certified copy of this order.



8. If, upon final consideration of the representation, the petitioner is found entitled to the said benefits, it is expected that the same shall be released to him without any further delay and, in any case, no later than six weeks from the passing of such an order.

(VINOD S. BHARDWAJ)
JUDGE

25.04.2025
Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No