



2025:DH:10487-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12148/2025**

MANJEET SINGH

.....Petitioner

Through: Mr. Abhay Kumar Bhargava, Mr.
Satyaarth Sinha, Ms. Shradha Mewatid,
Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Balendu Shekhar, CGSC
with Mr. Krishna Chaitanya GP, and Mr.
Rajkumar Maurya and Mr. Divyansh Singh
Dev, Advs

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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19.11.2025

OM PRAKASH SHUKLA, J.

1. The present writ petition has been instituted under Article 226 of the Constitution of India, wherein the petitioner seeks a direction to the respondents to grant disability pension. The petitioner is further seeking quashing and deletion of (i) remark dated 23.11.2021 issued by the Commandant, 178 Bn BSF, (ii) the finding dated 03.12.2021 issued by the Deputy Inspector General, IG (HQ), Force Headquarters, BSF, and (iii) the remark dated 15.01.2022 issued by the Inspector General, (HQ), Force Headquarters, BSF. By virtue of the said remarks, it was concluded that the injuries sustained by the petitioner were not attributable to his bona-fide government service.

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Signing Date: 26.11.2025
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2. The facts leading to the filing of the present petition, as borne out from the record, are that the petitioner was enrolled as a Head Constable (Radio Operator) in the Border Security Force and was granted Earned Leave from 18.02.2019 to 24.02.2019.

3. On 24.02.2019, while returning to his duty station after his leave, the petitioner was involved in a serious motor vehicle accident on the Kulan-Bhuna Road, Fatehabad, Haryana. Thereafter, he was admitted to CMC Hospital, Hisar, and was later referred to Medanta Hospital, Gurugram, due to the severity of his injuries. In connection with this incident, an FIR was lodged at Police Station Bhuna on 01.03.2019, vide FIR No. 0070, under Sections 279 and 337 of the Indian Penal Code, 1860.

4. Subsequently, a departmental Court of Inquiry was convened by 178 Bn BSF to examine the circumstances of the accident. According to the respondents, the COI concluded that the injuries sustained by petitioner had no causal connection with *bona-fide* Government duty and was therefore not attributable to service. Thereafter, the Commandant of 178 Bn BSF, agreeing with the findings of the Court of Inquiry, recorded in the remarks dated 23.11.2021, that the injuries sustained by the petitioner on 24.02.2019, while returning from six days of Earned Leave, were not attributable to bona fide government service. The Commandant's reasoning was based on the fact that the petitioner had not availed a Railway Warrant or LTC advance for his journey from Mathura to his hometown and for his return from his hometown to the Battalion Headquarters. It was further recommended



that the petitioner be referred to a duly constituted Medical Board for an assessment of his physical and medical fitness. The impugned remarks of the Commandant of 178 Bn BSF, later endorsed by the Deputy Inspector General (HQ) BSF on 03.03.2021, and the Inspector General (HQ) BSF on 15.01.2022, are reproduced below:

“I, therefore, recommends that:-

a) As per Rule 4(b) (iv), (v) of CCS (EOP) Rules 1939 and clarification issued by DIG (HQ) FHQ, the injury sustained by Regt No. 134208914 HC (RO) Manjeet Singh. 'Signal PI' of 178 Bn BSF is not attributable to Govt, bonafide duty as individual did not availed Railway Warrant or LTC advance for journey from Mathura to Home Town or for his return journey from Home Town to Bn HQ.

b) The individual may be produced before medical board for assessment of his I physical fitness/medical category status.”

5. The Disability Medical Board at Civil Hospital, Fatehabad, Haryana, issued a disability certificate on 13.12.2022, declaring the petitioner to be suffering from 90% permanent disability. Additionally, the petitioner was classified in a permanent low medical category, i.e., S1 H2A5(S)(U)(L) P1 E1, as per the Medical Board Proceedings dated 12.01.2024. The Medical Board also concluded that the disability was not attributable to *bona fide* government service and declared the petitioner unfit for further service.

6. Subsequently, the Commandant of 9 BN BSF served a show cause notice to the petitioner on 22.02.2024 under Rule 25(3) of the BSF Rules, 1969¹, as the petitioner was considered unfit for further service. Pursuant thereto, on 19.03.2024, an order was issued by the Commandant of 9 BN BSF, ordering retirement of the petitioner from



service on the grounds of physical unfitness. The order also granted the petitioner the benefit of invalid pension, as admissible under Rule 38 read with Rule 49 of the CCS (Pension) Rules, 1972 (now 2021).

7. Aggrieved by the grant of invalidity pension only, the petitioner has approached this Court by way of the present writ petition seeking the benefits of disability pension as prescribed under the Central Civil Services (Extraordinary Pension) Rules, 2023².

8. Mr. Abhay Kumar Bhargava, learned Counsel for the petitioner, submits that the petitioner's journey from his leave station to his duty station, undertaken solely for rejoining duty, was an essential service obligation and not for personal reasons. The reliance was placed on Rule 9(2) read with Schedule III (Category 'B') of the CCS (EOP) Rules, which according to the petitioner provides that any disability or death resulting from accidents while proceeding to or returning from a duty station is deemed attributable to government service. Furthermore, it is submitted that the respondents' reliance on the non-availment of a Railway Warrant or LTC advance is legally untenable, as Category B(ii) in Schedule- III of Rule 9(2) of the CCS(EOP), Rules expressly covers private mode of transport in accidents while travelling on duty.

9. It is submitted that the respondents finding that the petitioner's injuries were "not attributable to service" is contrary to the provisions of the CCS (EOP), Rules. It is further contended that under Rule 4(1)(a) and Guideline 6(2)(d) in Schedule IV of Rule 5(3) of the CCS



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(EOP), Rules, any injury sustained while “*proceeding from the duty station to the leave station or returning therefrom*” is deemed to have occurred in the course of Government service. Therefore, the respondents’ conclusion is arbitrary and misapplied the statutory requirements under Guideline 6(2)(d) in Schedule IV of Rule 5(3) of the CCS (EOP), Rules, which mandates that such cases be treated as service-related.

10. Per contra, Mr. Balendu Shekhar, learned CGSC, submits that the petitioner’s journey was undertaken while on sanctioned earned leave, and the injury sustained during this journey was not attributable to government service. He submits that petitioner was not on duty at the time of the accident and was traveling on a private motorcycle, without utilizing government transport or a Railway Warrant. Therefore, the petitioner’s journey does not meet the statutory criteria of being “on duty” under the CCS (EOP), Rules, which require travel to be at government expense, such as via Railway Warrant or LTC advance.

11. It is further submitted that the findings of the Medical Board, which stated that the disability was not attributable to government service, are final as per Rule 8 of the CCS (EOP), Rules. The petitioner did not file any review or appeal against these findings, which have thus attained legal finality. In addition, a Court of Inquiry was conducted shortly after the accident, and it concluded that the injuries sustained by the petitioner were not linked to government service. These findings were approved by the relevant authorities, and the petitioner did not challenge them at any stage.



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12. It is also submitted that under Rule 4(b)(iv) and (v) of the CCS (EOP), Rules, 1939, a member of the Central Armed Police Forces is deemed to be “on duty” only when traveling at government expense, which was not the case here, as the petitioner was using his private motorcycle. Moreover, a clarification letter from the Headquarters Directorate (HQ DG BSF), dated 14.07.2021, reinforces that for an accident or death to be attributable to government service, the travel must be at government expense, which is not the case in the present facts.

13. Learned Counsel also pointed out that the petitioner was given an opportunity to submit a representation regarding his proposed retirement on medical grounds under Rule 25 of the BSF Rules, but he failed to respond. Consequently, the competent authority proceeded with his retirement and released all admissible benefits, including invalid pension, DCRG, CGEGIS, and GJSPKK, while rightly denying disability pension due to the absence of attributability under the rules.

14. Having considered the rival submissions and perused the material placed on record, it is an undisputed fact that the petitioner suffers from 90% permanent disability as a result of injuries sustained in a motor vehicle accident while traveling from his home town to the Battalion Headquarters after completing his earned leave. In view of this, the primary issue for determination in the present case is whether the disability suffered by the petitioner, resulting from an accident during his return to duty from his leave station, is attributable to



government service, as per Category B(ii) in Schedule 3 read with Guideline 6 (1)(a) and 6(2)(d) in Schedule IV of Rule 5(3) of the CCS (EOP), Rules.

15. Schedule III of the CCS (EOP), Rules provides an illustrative list of circumstances under which the death or disability of a Government servant is considered attributable to government service for the purposes of granting Extraordinary Family Pension or Disability Pension under Categories B, C, and D. As per Category B(ii) in Schedule III, death or disability is treated as attributable to Government service in cases involving accidents occurring while travelling on duty, whether in an official mode of transport or in public, private, or other mass transportation systems such as a train, aircraft, or ship etc. Guideline 6 (1)(a) and 6(2)(d) in Schedule IV of Rule 5(3) of the CCS (EOP), Rules, which is also relevant for our purposes, reads thus:

“6.(1)(a) Injuries sustained when a Government servant is 'on duty' will be deemed to have arisen in, or resulted from, Government service; but in cases of injuries due to serious negligence or misconduct, the question of reducing the disability pension will be considered.

(2) A person subject to the disciplinary code of the Central Armed Police Battalions, is 'on duty' –

(d) When proceeding from his duty station to his leave station or returning to duty from his leave station.”

16. Thus, the statutory scheme under the CCS (EOP), Rules is unambiguously clear in its intent that a government servant is deemed to be “on duty” when proceeding from his duty station to his leave



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station or returning from his leave station to his duty station. Further, the Category B(ii) in Schedule III, clarifies that death or disability arising from accidents occurring while travelling on duty, irrespective of whether the journey is undertaken in an official mode of transport or in any public or private conveyance is treated as attributable to Government service. The statutory framework therefore leaves no scope to introduce conditions regarding travel at government expense or the use of a particular mode of transport.

17. Adverting to the facts of the present case, this Court finds that the petitioner was traveling on his personal motorcycle from his home station to his duty station when the accident occurred. In accordance with the provisions under Guideline 6 (1)(a) and 6(2)(d) in Schedule IV of Rule 5(3) of the CCS (EOP), Rules, the petitioner was “on duty” as he was returning to his duty station from his leave station. Consequently, the injury sustained by the petitioner, which resulted in a permanent disability, is deemed attributable to Government service.

18. The respondents’ contention that the petitioner was not on duty at the time of the accident and was traveling on a private motorcycle, without utilizing government transport or a Railway Warrant, is misplaced. Category B(ii) in Schedule III express includes private transportation as a mode of transport “on duty” to attribute disability of a Government servant as attributable to Government service.

19. Therefore, the respondents’ contention that the petitioner was not “on duty” because he was not traveling at government expense is contrary to the clear and unambiguous language of the statutory



provisions, which do not impose any conditions regarding the mode of transport only being government-funded. Consequently, we are unable to agree with the respondents' submission, as the rules clearly support the petitioner's position that the injury sustained during the travel, which led to the petitioner's permanent disability, is attributable to government service.

20. It is a settled law that under Article 226, the writ court's scope of interference extends to correcting errors of law apparent on the face of the record, or quashing decisions that disregards provisions of law. Hence, in the present case, the respondents have misapplied the relevant statutory provisions, thereby justifying the interference of this court under Article 226.

21. In view of Category B(ii) in Schedule 3 of the CCS(EOP), read with Guideline 6 (1)(a) and 6(2)(d) in Schedule IV of Rule 5(3) of the CCS (EOP), Rules, we are of the opinion that the petitioner is entitled to disability pension as per law.

22. The writ petition is accordingly allowed.

OM PRAKASH SHUKLA, J.

C.HARI SHANKAR, J.

NOVEMBER 19, 2025/gunn