



2025:DHC:11812-DB



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

+ **W.P.(C) 19024/2025**

MOHD. JAMEEL ABASSIPetitioner
Through: Ms. Saahila Lamba and Ms.
Nidhi Sharma, Advs.

versus

UNION OF INDIA AND ORSRespondents
Through: Mr. Dhananjai Rana, CGSC

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% **22.12.2025**

C. HARI SHANKAR, J.

1. The prayer of the petitioner in this case is for disability pension in terms of Rule 4(1) and (2)¹ of the Central Civil Services (Extraordinary Pension) Rules, 2023².

2. The petitioner was enrolled as a Constable in the Border Security Force³ on 31 July 1994. Almost three decades after he was enrolled, he was diagnosed by the Medical Superintendent, Government Psychiatric Diseases Hospital, Srinagar on 3 March 2022

¹ 4. **Conditions for grant of disability pension or family pension.-**

(1) A disability pension or family pension shall be granted under these rules, if there is a causal connection between,-

(a) disablement of a Government servant and Government service; or

(b) death of a Government servant and Government service.

(2) The disablement shall be reckoned as due to the Government service, if it is certified that the same is due to wound, injury or disease, which,-

(a) is attributable to Government service; or

(b) existed before or arose during the Government service and has aggravated thereby.

² "the CCS (EOP) Rules" hereinafter

³ "BSF" hereinafter

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as suffering from Major Depressive Disorder with Comorbid Obsessive Compulsive Disorder.

3. A Medical Board was convened on 20 March 2023 to assess the fitness of the petitioner to continue in service. The Medical Board opined that the petitioner was a case of Major Depressive Disorder and was considered unfit for further service in the BSF. The Board also opined that the disability was aggravated by service. The Medical Board proceedings read thus:

“PART-II OF MEDICAL BOARD PROCEEDINGS

No 941520102 Rank HC/GD, Name Mohd. Jameel Unit/HQ.- 24 Bn. BSF

1. Findings by the Board in brief (if different from the findings mentioned in Part-I):- NIL

Opinion of the board:-

2. The board having examined Regt. No. 941520102 Rank HC/GD Name Mohd. Jameel of 24 Bn. BSF, is of the opinion that he is a case of "Major Depressive Disorder" and is considered unfit for further service in BSF.

3.	Was the disability contracted in service ? Yes	4.	Was it contracted in circumstances over which he had no control? Yes
5.	It is directly attributable to conditions of service ? No	6.	If so, by what specific conditions? N/A
7.	If not directly attributable to service, was it aggravated thereby and if so, by what specific conditions? Yes, due to stress & strain.	8.	Medical category recommended S5h1A1P1E1
9.	Percentage of disability.	10.	Period for which the

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	54% (Fifty-Four Percentage)		above medical category is recommended Permanent
11.	Further treatment/ investigation recommended As advised by Psychiatrist.	12.	Next Board due on NA

13. Employability restrictions:- **Not fit for further service in BSF.**

Place - CH BSF Srinagar
Dated the 20th March 2023

Presiding officer:- s/d 20/03/2023
Dr. P. Thomte Comdt.- CMO(SG), 104 Bn. BSF”

4. The petitioner, thereafter, took voluntary retirement from service. On the petitioner not being granted disability pension, he has approached this Court.

5. The only submission of Mr. Dhananjai Rana, learned CGSC for the respondents, is that, as the petitioner had availed voluntary retirement, the petitioner was not entitled to disability pension.

6. There is no provision in the Central Civil Services (Extraordinary Pension) Rules which disentitles the petitioner to disability pension even if he has taken voluntary retirement. We may contrast this case with the facts which were before the Supreme Court in *Union of India v. Ajay Wahi*⁴ in which there was a specific provision disentitling the candidate to disability pension in a case where the candidate took voluntary retirement. No such provision



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exists in the present case.

7. We have also noted this point of difference in our decision in *Union of India v. Major Gaurav Sheoran Retd.*⁵.

8. As such, the petitioner is entitled to disability pension as sought.

9. Let the disability pension be disbursed to the petitioner from the date of his voluntary retirement within a period of 12 weeks from today. Default in that regard would entail interest at the rate of 12% per annum till actual payment.

10. The writ petition is allowed in the aforesaid terms.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

DECEMBER 22, 2025/aky