

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2583 of 2021

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Kusum Tiwari Wife of Lalan Tiwari, Resident of Village-Mahuaari, PS-Buxar
Mufasil Chausa, District-Buxar.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Home Affairs
Government of India, New Delhi.
2. D.G. BSF, CGO Complex New Delhi.
3. Inspector General BSF STC Hazaribagh

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ebrahim Kabir, Adv.
For the UoI : Ms. Kanak Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 06-07-2026

Heard Mr. Ebrahim Kabir, learned Advocate for the
petitioner and Ms. Kanak Verma, learned Advocate for the
Union of India.

2. The son of the petitioner Late C.T. Jay Nandan
Tiwari, was serving as a Constable in the Border Security Force
(BSF). It is the case of the petitioner that while proceeding to
join duties after availing leave, her son met with a road accident.
At the relevant point of time, he was posted at STC, BSF,
Hazaribagh. During the course of treatment, he succumbed to
his injuries on 11.12.2015.

3. It is not in dispute that the said unfortunate incident



was subjected to a Court of Inquiry but on account of certain differences of opinion, the matter was thereafter referred for an Additional Court of Inquiry. Upon conclusion of the inquiry, the competent authority recorded a finding that since the deceased was proceeding to join his place of posting at STC, BSF, Hazaribagh, his death was attributable to bona fide Government service within the meaning of Paragraph 4(B)(iv) of the Central Civil Services (Extraordinary Pension) Rules, 1939. It was further opined that the petitioner, being the mother of Late C.T. Jay Nandan Tiwari, was entitled to all admissible financial benefits under the applicable rules.

4. Pursuant thereto, the petitioner was extended all admissible death-cum-retiral benefits. However, as per the petitioner, her claim for grant of extraordinary family pension on account of the death of her son was not considered. Aggrieved thereby, she submitted several representations before the competent authorities, but no favourable decision was taken.

5. Mr. Ebrahim Kabir, learned Advocate for the petitioner, referring to the Central Civil Services (Extraordinary Pension) Rules submitted that under Rule 3-A(1)(a/b), read with Rule 4, if the death disability is, in fact, attributable to or aggravated by the Government service, which alone makes an EOP Award admissible and for that purpose, it is essential for both of these authorities to satisfy themselves in that behalf and



certify the nexus and causal connection between disablement and Government service or between death and Government service. The Ministries/Departments and offices shall have the powers to grant disability or family pension covered under these rules. Learned Advocate for the petitioner further placed reliance upon the opinion rendered by the Inspector General, STC BSF Hazaribagh, addressed to FHQ BSF (Adm Dtc-Pension Cell), wherein DC (Law) BSF Hazaribagh has opined as under:

“i) In a similar case of family pension, namely Smt Rukmani and other V/S Union of India & other where CT Sanjay Kumar 13. Bn BSF was died bachelor and mother of the deceased applies for family pension but the family pension was declined by PAI BSF new Delhi on the ground that the husband of the petitioner Smt Rukmani Devi is drawing pension being the retired pension and she is not the fully dependent of the deceased Ct Sanjay Kumar. The Hon'ble High Court held that it is not justified in refusing to pay family pension to mother of deceased just because his father happened to be a pensioner of India Railways. Amount of Rs. 2250/- in present time can hardly be said to be sufficient to maintain a large family consisting of five members. Hence action of the respondents in refusing to pay family pension to mother of the deceased Ct Sanjay Kumar of BSF is wholly illegal,



arbitrary and unreasonable. The writ petition is allowed. Respondents are directed to pay family pension to mother of the deceased till her death in accordance with the Rules (Copy of the judgment enclosed).

ii) Further, it is learnt from 13 Bn BSF that the Court order has already been implemented by issuing the PPO order in favor of mother of the deceased constable.”

6. Learned Advocate for the petitioner further urged that, in an identical matter, the High Court of Judicature for Rajasthan, Jaipur Bench, in ***Smt. Rukmani Devi & Anr. v. Union of India & Ors.*** [S.B. Civil Writ Petition No. 1629 of 2007], directed the respondents to grant family pension, along with other admissible benefits, to the mother of the deceased employee. A copy of the said judgment has been brought on record as Annexure-7 to the rejoinder affidavit.

7. *Per contra*, learned Advocate appearing for the Union of India submitted that all admissible *ex gratia* amounts and other retiral benefits have already been paid to the petitioner. Further the petitioner's claim for extraordinary family pension was duly considered; however, the same was rejected on the ground that the petitioner's husband is in receipt of a monthly pension of Rs. 10,315/-, and therefore, in view of the applicable Rules, the petitioner was not eligible for grant of family pension. Learned counsel further sought to distinguish



the judgment rendered by the Rajasthan High Court by contending that the factual circumstances of that case were different.

8. In response, learned Advocate for the petitioner submitted that the pension being received by the petitioner's husband has no bearing on the petitioner's entitlement, inasmuch as the petitioner has been living separately from her husband for a considerable period. In support of the said contention, reliance has been placed upon certificates issued by the Mukhiya, Gram Panchayat, Pawni, Chausa, District Buxar, as well as an affidavit sworn before the Executive Magistrate.

9. Having heard learned Advocates for the respective parties and upon consideration of the materials brought on record, this Court finds that the limited grievance of the petitioner relates to non-consideration of her claim for grant of extraordinary family pension. It is an admitted position that the death of the petitioner's son has been held to be attributable to bona fide Government service. It also appears that the legal opinion rendered by the Deputy Commandant (Law), BSF, Hazaribagh, has referred to the judgment of the Rajasthan High Court in *Smt. Rukmani Devi* (supra), wherein family pension was directed to be granted to the mother of a deceased bachelor.

10. In the aforesaid facts and circumstances, without expressing any opinion on the merits of the rival claims, this



Court deems it appropriate to direct the Director General, Border Security Force, CGO Complex, New Delhi, to reconsider the petitioner's claim for grant of extraordinary family pension in the light of the findings recorded in the Court of Inquiry, the relevant provisions of the Central Civil Services (Extraordinary Pension) Rules, the legal opinion placed on record, and the judgment relied upon by the petitioner. A reasoned and speaking order shall be passed within a period of eight weeks from the date of receipt/production of a copy of this order.

11. With the aforesaid observations and directions, the present writ petition stands disposed of.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07-07-2026
Transmission Date	

