



\$~117

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

+ **CONT.CAS(C) 370/2026**

RAJESH KUMAR SEN

.....Petitioner

Through: **Ms. Saahila Kaur Lamba, Advocate.**

versus

GOVIND MOHAN AND ANR

.....Respondents

Through: **Mr. Vinay Yadav, CGSC alongwith
Mr. Vipul Kumar, Ms. Kamna
Behrani, Mr. Ansh Kalra, Advocates
for respondents.**

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

09.03.2026

%

1. The present petition has been filed by the petitioner alleging wilful disobedience/non-compliance with the directions contained in the order dated 03.12.2025 passed by this Court in W.P.(C) No. 14296/2025. The operative directions therein are as under:

“8. Thus, there is a clear finding of the Medical Board that the petitioner has sustained injuries due to a fall from a height on 19 July 2012 on Government bona fide duty, as a result of which he sustained 87% permanent disability. That finding has been returned consequent to an investigation by a Court of Inquiry. The Medical Board has also clarified that the injury was sustained in circumstances over which the petitioner had no control and that it was attributable to military service.

9. In that view of the matter, there can be no question of disentitling the petitioner to disability pension.

10. The claim of the petitioner appears to be awaiting a resolution between desks, without any final decision being taken.



11. Accordingly, we hold that the petitioner is entitled to disability pension as well as ex-gratia compensation in terms of OM dated 7 June 2017 reproduced supra.

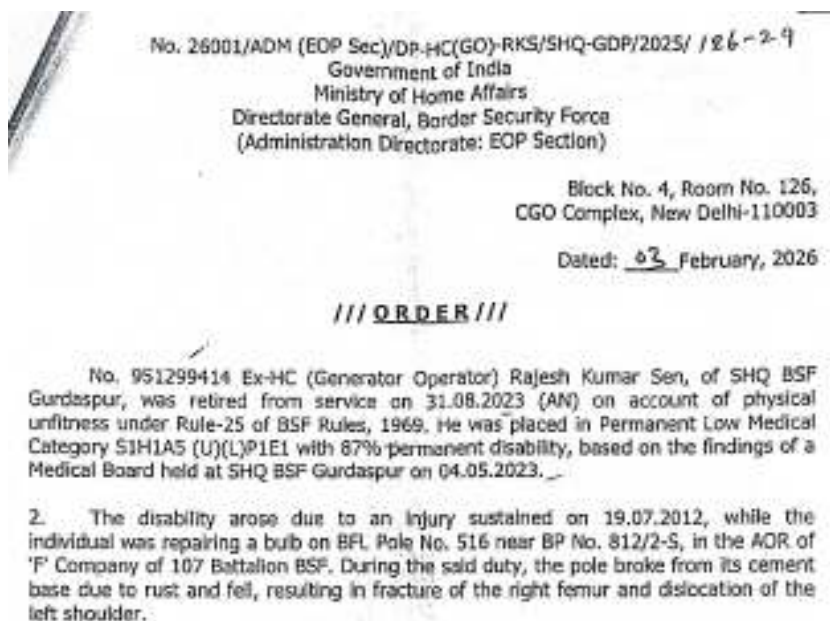
12. Let the necessary payments be made to the petitioner within a period of twelve weeks from today. Failure to pay the said amount within the period of twelve weeks shall entail interest @ 8% per annum till the date of actual payment.

13. The writ petition stands disposed of in the aforesaid terms. ”

2. Issue notice.

3. Mr. Vinay Yadav, learned counsel enters appearance and accepts notice on behalf of the respondents. He submits that the aforesaid directions have been complied with.

4. During the course of hearing, he has handed over an Order bearing No. 26001/ADM (EOP Sec)/DP-HC(GO)-RKS/SHQ-GDP/2025/126-29 dated 03.02.2026, whereby the sanction has been accorded by the competent Authority for grant of disability pension @ Rs.39,200/- per month to the petitioner with effect from 01.09.2023 + dearness relief as admissible. The said order reads as under:





3. 107 Battalion BSF conducted a Court of Inquiry vide Order No. 10097-10104 dated 26.09.2012, which was finalized by the Inspector General, Frontier HQ BSF Gujarat. The Court of Inquiry concluded that the injury was attributable to bona fide Government duty.

4. A BSF Medical Board held at Sector Headquarters BSF Gurdaspur on 04.05.2023 examined the individual and assessed him as suffering from "Effect of fracture of right femur (operated) with fracture of right calcaneum and recurrent dislocation of left shoulder", placing him in Low Medical Category S1H1A5 (U)(L)P1E1 with 87% disability, and declared him unfit for further service in BSF.

5. Accordingly, the individual was Invalidated out of service on 31.08.2023 (AN) vide SHQ BSF Gurdaspur Order No. 15791-15803, dated 24.07.2023, under Rule-25 of BSF Rules, 1969, with pensionary benefits admissible under CCS (Extra Ordinary Pension) Rules, 2023.

6. Invalid Pension was sanctioned by PAD BSF vide PPO No. 021862404517 dated 28.03.2024.

7. The individual thereafter applied for Disability Pension for 87% permanent disability.

8. Officiating DIG, SHQ BSF Gurdaspur, certified on 09.05.2024 that no Disable Pension / Compensation / Ex-gratia had been paid to the individual.

9. As per the Last Pay Certificate Issued by the DDO, SHQ BSF Gurdaspur, the individual was paid up to 31.08.2023 with Basic Pay of ₹49,000/- per month.

10. The case was referred to MHA (RRWD) vide e-Office CF No. 87533, with the concurrence of PAD BSF, JS & FA, BSF, and approval of DG BSF, for sanction of Disability Pension under Category 'B' of Schedule-III, read with Rule 9(1)(B), Rule 10(2)(i) and Rule 10(3)(1)(a) of CCS (EOP) Rules, 2023, as per the details given below:

Sl. No.	Particulars	Details
1.	Regt. No., Rank & Name	No. 951299414 Ex-HC (GO) Rajesh Kumar Sen
2.	Date & Time of Incident	19.07.2012 at about 0900 hrs
3.	Place of Incident	BPL Pole No. 516 near BP No. 812/2-S, AOP of 107 Bn BSF
4.	Date of Birth	21.11.1974
5.	Date of Enrolment	14.12.1995
6.	Total Service	27 years 08 months 17 days
7.	Non-Qualifying Service	30 days
8.	Net Qualifying Service	27 years 07 months 17 days
9.	Date of RMB	04.05.2023
10.	Date of Invalidment	31.08.2023
11.	Basic Pay at Invalidment	₹49,000/-
12.	Percentage of Disability	87% (RMB)

11. Sanction is hereby accorded by the Competent Authority (MHA) vide Note para #24 dated 27.01.2026 in e-File No. 87533, for grant of Disability Pension @ ₹39,200/- (Rupees Thirty-Nine Thousand Two Hundred only) per month, w.e.f. 01.09.2023, plus Dearness Relief as admissible from time to time, calculated as under:

(a) Service Element 50% of Basic Pay -	₹49,000 × 50% = ₹24,500/-
(b) Disability Element 30% of Basic Pay -	₹49,000 × 30% = ₹14,700/-
for 100% disability (87% disability rounded off to 100% as per Rule 7(3) of CCS (EOP) Rules, 2023)	

Total Disability Pension = ₹39,200/- per month

12. The above Disability Pension shall be subject to adjustment of the difference between Invalid Pension and DCRG already paid and the Disability Pension now sanctioned, in terms of Rule 14(9)(d) of CCS (EOP) Rules, 2023.



13. This order is issued with the approval of the Competent Authority (MHA) and concurrence of IFD, MHA, conveyed vide Memo para #24 dated 27.01.2026 in Computer File No. 87533.



(Signature)
(Shalendra Kumar Mishra)
Dy Inspector General (RR)
For Director General, BSF
03 Feb' 2026

Copy to :

1. FHQ BSF Finance Wing : For information, please.
(Budget Section)
2. Frontier HQ BSF Punjab : For information w.r.t. SHQ BSF Gurdaspur
L/No. 24954-55 dated 03.10.2025.
3. SHQ BSF Gurdaspur : For information and necessary action. Two
copies of the sanction order along with two
files and Service Records are forwarded for
onward submission to PAD BSF for revision of
POD. Necessary entries may be made in the
Service Records of the individual.
4. PAD BSF (PAD-North) : For info please.
5. Guard File / Office Copy

5. He also draws attention to an Order bearing No. 26001/ADM(EOP SEC)/ELSC-Ex-CT R-K-S SHQ Gurdaspur/2025/733-36 dated 15.12.2025, whereby sanction has been accorded for grant of *Ex-Gratia* lump sum compensation amounting to Rs.17,40,000/-. The said order reads as under:

No. 26001/ ADM (EOP SEC)/ ELSC-Ex-CT R-K-S SHQ Gurdaspur/ 2025/ 733-36
Government of India
Ministry of Home Affairs
Directorate General Border Security Force
(Adm Dte: EOP Section)

Block No.4, R/No.108
CGO Complex, New Delhi - 03.
15 Dec, 2025

/// ORDER ///

No. 951299414 Ex-HC (Generator Operator) Rajesh Kumar Sen of SHQ BSF Gurdaspur was retired from service on 31.08.2023 (AN) on account of physical unfitness under Rule-25 of BSF Rules 1960 vide SHQ BSF Gurdaspur Order No. 15791-15803 dated 24.07.2023. He was placed in Permanent Low Medical Category S1H1A5(U)(L)P1E1 based on the findings of a Medical Board held at SHQ BSF Gurdaspur on 04.05.2023. He has been assessed as having 87% permanent disability due to an injury sustained on 19.07.2012.



2. On 19.07.2012 at about 0900 hours, while attached with 107 Bn BSF (from SHQ BSF Barmer), No. 951299414 HC (GO) Rajesh Kumar Sen was repairing the bulb of BFL Pole No. 516 near BP No. 812/2-S in ACR of 'F' Coy, when the said pole broke from the cement base due to rust and fell on the ground. He sustained a fracture of the right femur bone and a dislocation of the left shoulder.

3. He was initially evacuated to M1 Room, BOP Munabao Forward for first aid and thereafter referred to the Civil Hospital, Barmer. He was diagnosed with multiple fractures and dislocation of the shoulder. On 27.07.2012 at District Hospital, Barmer, ORIF (Open Reduction and Internal Fixation) surgery for the right femur was carried out. He was discharged on 22.09.2012 and granted 75 days medical leave. After reporting back on 22.12.2012, he was again referred to Civil Hospital, Barmer for disability assessment. On 28.01.2013, his disability was assessed as 40% due to malunited right distal femur and right knee stiffness. Subsequent treatment included hospital admissions at various hospitals for persistent swelling and complications, including surgery on 02-05.04.2013 at M.C Hospital, Jodhpur.

4. On 04.05.2023, a BSF Medical Board at SHQ BSF Gurdaspur examined him and placed him in Low Medical Category S1H1A5(U)(L)P1E1 (Permanent) with 87% Disability due to the effect of fracture Rt Femur (Operated) with fracture Rt Calcaneum and recurrent dislocation of Lt Shoulder and considered Unfit for further service in BSF.

5. A Court of Inquiry convened by Commandant 107 Bn BSF vide Order No. 10097-10104 dated 26.09.2012 and finalized by IG Ftr HQ BSF Gujarat declaring that the injury sustained by the individual is attributable to bonafide Government duty.

6. He was retired from service w.e.f. 31.08.2023 (AN) on the ground of physical unfitness under Rules- 25 of BSF Rules 1969 with pensionary benefits admissible under CCS (EOP) Rules, 2023, vide SHQ BSF Gurdaspur Order No. 15791-15803 dated 24.07.2023.

7. Invalid Pension was sanctioned by PAD BSF vide PPO No. 0218824043, dated 28.03.2024.

8. The Sanction of the Competent Authority i.e. DG BSF for grant of Ex-Gratia lump sum Compensation amounting to Rs. ₹. 17, 40,000.00 (Rupees seventeen lakh forty thousand) only in favour of No. 951299414 Ex-HC (Generator Operator) Rajesh Kumar Sen of SHQ BSF Gurdaspur payable from Central Govt. of India due to his 87% (eighty seven percent) permanent disability in accordance with GOI, MHA Police-II Division (R&W Dte) order No. 27011/64/2010-R&W (Part) dated 07.06.2017 is hereby conveyed to all concerned. The expenditure shall be debited to Grant. 51, Ministry of Home Affairs, Major Head: 2055, Minor Head: 05:00:31 (Police. 00.113, Welfare of Police Personnel) Object Head: Grant-in-aid during the current financial year 2025-2026.

9. This order is issued with the approval of Competent Authority i.e. Director General, BSF after due Concurrence of PAD BSF New Delhi and JS&FA, BSF, Vide e-office (Computer No. 87533 para # 13 dated 28.11.2025.

6. In view of the aforesaid, no further orders are required to be passed in the present petition; the same is accordingly disposed of.

7. The respondents are directed to ensure that the aforesaid amounts are



expeditiously released to the petitioner, if not already released, and in any event within a period of 3 weeks from today.

SACHIN DATTA, J

MARCH 9, 2026/at