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

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Date of Decision : 19.03.2026

+ **W.P.(C) 3551/2026**

HARI PRAKASH

.....Petitioner

Through: **Mr. Abhay Kumar Bhargava and Mr. Satyarth Sinha, Advocates**

versus

UNION OF INDIA & ORS.

.....Respondents

Through: **Mr. Hussain Taqvi, SPC with Mr. Dev Pratap Shahi, GP and Mr. Jitendra Mishra, HC- BSF**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

MANMEET PRITAM SINGH ARORA, J. (ORAL)

1. This petition has been filed by the Petitioner with the following prayers:-

“i. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the DG BSF **to release benefits of ex-gratia compensation** in favour of the Petitioner as stipulated under Office Memorandum dated 21.04.2011 and Office Memorandum dated 07.06.2017 issued by the Respondent No. 1 i.e., MHA along with 12% interest from the date of Medical Invalidation Board our i.e., 14.05.2024. In the light of the judgment dated 10.12.2025 passed by this Hon'ble Court in **W.P.(C) No. 4042/2025 Titled as Kalu Ram Vs. Union of India & Ors.**

ii. Pass any other order in the interest of justice.”

(Emphasis Supplied)

2. The Petitioner is seeking the benefit of ex-gratia compensation in terms of the office memorandum dated 21.04.2011¹ and office memorandum

¹ Annexed to the writ petition as Annexure P-1



dated 07.06.2017² issued by the Resettlement and Welfare Directorate of the Ministry of Home Affairs ('MHA').

3. The relevant facts pertaining to the present case are that the Petitioner was appointed as HC (Min) in the 8th BN BSF on 22.10.2013 and has been invalidated on 14.05.2024 from service on medical grounds. It is a matter of record that at the time of joining the service he did not suffer from any disability.

4. The Petitioner appeared before the Medical Board on 14.03.2024 at CH, BSF Kadamtala, which opined that he was suffering from 'Mixed Anxiety Depressive Disorder' for the past eight years [8]. The Medical Board assessed his disability at 48% permanent in nature, placed him in the permanent medical category S5H1A1P1E1, and declared the Petitioner permanently unfit for further service.

5. Acting upon the report of the said Release Medical Board ['RMB'] dated 14.03.2024, a show cause notice dated 13.04.2024 was issued under Rule 25 of the Border Security Force Rules 1969 ['BSF Rules'] proposing to terminate services of the Petitioner on the ground of physical unfitness. Vide order dated 14.05.2024, Petitioner was invalidated from service on medical grounds of unfitness.

A Pension Payment Order dated 18.09.2024 was issued, whereby the Petitioner was granted the benefit of Invalidity Pension.

6. Learned counsel for the Petitioner states that the RMB has unequivocally recorded that the disability of the 'Mixed Anxiety Depressive

² Annexed to the writ petition as Annexure P-2



Disorder’ was aggravated by the stress and strain of military service and the percentage of the disability has been assessed at 48% for life. He states that Respondents have accepted the said report of the RMB and have also relied upon the same, to board out the Petitioner, and therefore they are bound by the findings recorded in the said report. He states that, in an identical case, the coordinate bench of this Court in **Kallu Ram v. Union of India**³ granted the ex-gratia compensation to the petitioner therein.

7. He relies upon the Office Memorandum dated 21.04.2011 and 07.06.2017 issued by MHA which entitles personnel of the Central Paramilitary Forces, who become disabled or incapacitated on account of causes which are attributable to or aggravated by government services, to ex-gratia payment.

8. Issue notice. Learned counsel for the Respondents accepts notice. He fairly states that the facts in this case are identical to the case of **Kallu Ram** (supra).

9. This Court has heard the learned counsel for the parties and perused the record as well as the judgment of the coordinate Bench in **Kallu Ram** (supra).

10. In the present case, although the Petitioner joined service in 2013, his condition of ‘Mixed Anxiety Depressive Disorder’ was diagnosed in March 2024, and he continued to serve in the BSF until his discharge on 14.05.2024. The RMB notes that the said disability was contracted in

³ W.P.(C) 4042/2025 order dated 10.12.2025: 2025: DHC: 11188-DB



service⁴ and though it is not attributable to the condition of service, the RMB records that the disease has been aggravated due to stress and strain of military service. The RMB opined that the Petitioner was permanently unfit for further service in the BSF on account of 48% disability arising from the said condition.

For ready reference, the report of the RMB dated 14.03.2024, recording the findings with respect to contraction *during* service and aggravation of the disease *due* to military service is reproduced as under:

OPINION OF THE BOARD	
2. The board having examined Regt. No- 130699048 Rank : HC/Min Name: Hari Prakash, Unit/40: 08 BN BSF, is of the opinion that he is suffering from "Mixed Anxiety Depressive disorder" and is considered unfit for further service in BSF.	
03. Was the disability contracted in service?	04. Was it contracted in circumstances in which he had no control?
Yes	Yes
05. Is it directly attributable to the conditions of service?	06. If so, by what specific conditions?
No	Not Applicable
07. If not directly attributable to service, was it aggravated thereby and if so, by what specific conditions?	08. Medical Category Recommended.
Yes due to stress and strain	SSH1A1P1E1
09. Percentage of Disability.	10. Period for which the above Medical Category is recommended.
48% (Forty Eight Percent) PERMANENT	PERMANENT
11. Further treatment / investigations recommended.	12. Next board due on.
As per advice of Specialist	Not Applicable
13. Employability restrictions: Unfit for further service.	
Place: CAPF's CH BSF Kadamrala. Date: 14.03.2024	

11. As noted above, Respondents relying upon the aforesaid findings of the RMB, invalidated the petitioner from service.

⁴ Column no. 3 of the RMB



12. In view of the unambiguous certification by the RMB that the Petitioner's disability was aggravated by the stress and strain of the military service, which has been accepted by the Respondents, we see no reason why the Petitioner has been denied ex gratia compensation as per his entitlement in terms of MHA's OMs dated 21.04.2011 and 07.06.2017.

13. In these facts, the Petitioner is clearly entitled to ex gratia compensation in terms of the Office Memorandum dated 21.04.2011 and 07.06.2017 issued by MHA. The Petitioner has been needlessly compelled to file the present writ petition and litigate against the Respondent, despite his entitlement. We also note that the facts of this case are also identical to the case of **Kallu Ram** (supra) and is therefore covered by the said judgment.

14. Accordingly, the Respondent No.2 is directed to disburse, ex gratia compensation, in terms of the aforesaid OMs dated 21.04.2011 and 07.06.2017 within four (4) weeks from today, in favour of the Petitioner, failing which the said amount shall carry 12% interest from the date of his discharge, i.e., 14.05.2024 till the date of actual payment.

15. The present writ petition stands allowed accordingly. Pending applications stand disposed of.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

MARCH 19, 2026/AJ