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

% *Da te of Decision : 23.02.2026*

\+ **W.P.(C) 9973/2018, CM APPL. 70851/2025**

DEEPAK SINGH

.....Petitioner

Through: Mr. Krishan N. Rana, Advocate

versus

UNION OF INDIA & ANR

.....Respondent

Through: Ms. Manisha Agrawal Narain, CGSC alongwith Mr. Nipun Jain, Advocate.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO, J. (*ORAL*)

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

> *"a. Issue a Writ Petition (Civil) under Article 226 of the constitution of India, An appropriate Writ or a Writ of mandamus, or Directions to the Respondents for:-*
> *i. Determination of the retirement Pension of Lt. Narayan Singh Bhisht.*
> *ii. Determination of the family Pension to the Widow (wife of the Lt. Narayan Singh Bhisht).*
> *iii. Determination of the family Pension to. Narayan Singh Bhisht Minor son till the Date of petitioner's Maturity.*
> *iv. Further Directions to Respondents for release of*

Pension (Mentioned in prayer clause i, ii &iii) with revised Rate's time to time and as per 6th pay Commission in favor of the petitioner till the age of maturity, and interest on the pension and on family pension, till its release.
v. It is further prayed any other order deemed fit and proper in this regard be also may kindly be Passed in favour of the petitioner, in the interest of Justice."

2. A perusal of the prayers as made in the writ petition shows that same are primarily for a direction against the respondents for determination of retirement pension of Narayan Singh Bhisht and consequential family pension to the widow of the father i.e. the mother of the petitioner and determination of the pension of Narayan Singh Bhisht, in favour of the petitioner till the age of majority.

3. The father of the petitioner Late Narayan Singh Bhisht (Ex. Ct.) was working with respondent no. 1. Concedingly, the father of the petitioner was medically boarded after 11 years 11 months and 10 days of service on 03.11.1979. He expired in the year 1984.

4. The appellant's case is that he is the only son of his parents, left behind after their death. He made several correspondences to respondent no. 2, but to no avail. He then filed RTI's with the respondents with regard to the pending pension of his father and visited their office various times, with all requisite documents, as asked by them. His stand regarding the same in the petition at paragraph 6 onwards reads as under:-

"6. That the petitioner made several correspondences with the Respondent No.2 but No Purposeful result came out, on the other side Respondent no. 1 all the way advised to contact Treasury, District Magistrate at District Almora Utrakhand. In response to the letter of

the Petitioner, Reply from Respondent no. 1 received wherein, the required information for pension of father of the petitioner. Detail's not furnished by Respondent no. 2. The petitioner filed one R.T.I with Respondent no. 2, no Response received on Required R.T.I. Intimated R.T.I. transferred to some other office letter dated 02.03.2015. Copy to the same Annexure P-5.

7. That the petitioner filed another R.T.I and requested information from the Respondent no. 2 with Regard to the Pending pension of his father from Respondent No.2. The same was confirmed by the Respondent No.2 Department and directed to contact Concerned Account office For Claim of Pension, copy of the Response letter dated 26.03.2015 Annexure P-6.

8. That the petitioner contacted the concerned pay and Account office of Respondent no. 2 and inquired with A.D.M Almora were in it was intimated no information with regard to the pension of petitioner father received for Respondent no. 1 were by petitioner written a letter to Respondent no. 1 but the earlier information by Respondent no.2 in its earlier reply dated 19.12.2015 Annexure P-7.

9. That the petitioner visited office of the Respondent no. 2 several time along with all the required documents but all the time Respondent no.2 Directed to approach Battalion office at Meghaliya of Respondent no.l. The petitioner written a letter to the Battaliaon office Meghaliya of Respondent no.2, in response to the petitioner's letter Respondent no.2 Meghaliya office written a letter and directed to approach concerned treasury office for legitimate entitlement, letter Dated Oct 2016 Annexure P-8 . Petitioner contacted the office of the A.D.M treasury where in the local Administration said No information with Regard to pension Received from Respondent no.2 and directed to obtain a letter from Respondent no. 2 or Respondent no. 2 for release of pension in the name of petitioner and also furnished complaint detail of revised pension

Notification from Ministry of Home Affairs. Petitioner asked local Administration to issue a letter for Demand of Required Documents from Respondent no.2, but local Administration refused to issues such letter.

10.That on dated 18.03.2016 the petitioner received a letter from the office of Respondent no. 2, certain documents were asked from the petitioner. The petitioners full filled all the required documents with its settlement of the claim with the divisional Magistrate Almora Uttrakhand copy is Annexure P-9. But No response received either from Respondent no. 1 or from the office of Divisional Magistrate for pending pension of his father either from respondent no.l or respondentno.2.

11.That petitioner approached office of the Respondent no. 1 and Respondent no.2 local Administration office but till date No response given to the petitioners request, claim, and grant of pension and release of pension in favor of the petitioner."

5. The counter-affidavit filed by the respondents reveals that an invalid pension of Rs.78/- per month was granted to the father of the petitioner w.e.f. 03.11.1979.

6. It is the case of the respondents that the father of the petitioner was unmarried at the time when he was proceeded on invalid pension w.e.f. 03.11.1979. He had nominated his mother, namely Motima Devi, for grant of relief from BSF Benevolent Fund. He has also declared that after his death, contributory family pension may be granted to his mother but the case of the respondents was that the mother does not come within the definition of 'family' for the purpose of family pension. After his retirement, no representation was received by the department from the father of the petitioner, stating that he has not received any invalid pension granted to

him. No information was received from him even about his marriage with Gangotri Devi nor did he apply for changing his nominee. It is also their case that the petitioner, in the present case, has not submitted any succession certificate, issued from the competent Court, which is mandatorily to be provided in case when the retiree had not submitted any particulars of the claimant while he was still alive.

7. Even during his lifetime i.e. till his death on 05.05.1984 and even till the death of the mother of the petitioner on 03.08.1984, no litigation was initiated by the father/mother for making any claim with regard to the claim as sought to be made by the petitioner. The claim of the petitioner for pension arrears is clearly time barred.

8. The stand of the respondents in paragraphs 11 onwards is the following:-

> *"11. It is to mention that Rule 54(6)(ii) of the Family Pension Rule, 1964 provides that a widow may get family pension till her death or remarriage, whichever is earlier, and son of a deceased pensioner may get family pension till he attains the age of 25 year. Copy of the relevant portion of the Family Pension Rule is attached as Annexure R-5.*
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> *12. On 19.03.2019, when the present petition was heard, the respondents herein were provided the necessary documents/information that was required to process his claim. On receiving the requisite documents from the Petitioner, the family pension case of the Petitioner was forwarded to pension sanctioning authority i.e. Pay & Account Division (PAD) BSF, New Delhi vide 75 Bn L/No. HA/F-Pen/Deepak/75 Bn/2019/7385 dated 12.07.2019 which is annexed and marked as 'Annexure R-6'. It is also submitted that being a Sanctioning Authority, PAD BSF New Delhi*

issues PPO to the concerned State Pension Releasing Authority. Accordingly, the PAD BSF New Delhi had issued a PPO in favour of Ex CT Narayan Singh Bisht to the concerned State Pension Releasing Authority in this case of retiree i.e. the Accountant General (A&E)-II, Allahabad, Uttar Pradesh which is annexed herein and marked as 'Annexure-R-7'.

13. Further PAD BSF, New Delhi (EOP North Section) vide letter No. PAD/29-4345/75 BN SF/PAO-Centre-EOP/2019/5735-36 dated 10th Nov' 2019 and letter No. PAD/29-4345/75 BN SF/PAO-Centre-EOP/ 2020/09-10 dated 14th Jan' 2020 and 75 BnBSF letter No. Estt/75Bn/Writ-Petition (Pension)/2020/2710-14 dated 21/03/2020, approached the Accountant General (A&E)-11, Allahabad, Uttar Pradesh for the following information with regard to the pension of the retiree:

(a) The amount of pension already paid.

(b) Date up to which pension is paid.

(c) If pension is never paid, then reason for not paying the pension.

d) If pension stopped, then reason for stopping of the pension.

Copy of these letters annexed herein and marked as Annexure R-8 (Colly).

14. Subsequently, when the above requisite information was not received from Accountant General (A&R)-Il, Allahabad (UP) despite repeated requests, the same facts were apprised to the Hon'ble Court on hearing date 12.03.2020. The same is annexed and marked as 'Annexure-R-9. However, after hearing, Hon'ble Court adjourned this matter for 01.09.2020 with the following directions:-

8. The Accounting General of Border Security Force, Allahabad, Uttar Pradesh, is directed to, within two weeks of receipt of this order, furnish the requisite information sought with respect to Late Narain Singh Bisht, Ex-Constable.

9. The respondent if so desire, to file counter *affidavit within six weeks from today.*

10. Rejoinder, if any, be filed within six weeks thereafter.

11. Counsel for the parties to serve the order on the Accounting General of Border Security Force, Allahabad, Uttar Pradesh."

15. It is submitted that in the Court Order 12.03.2020, word 'Accounting General of Border Security Force, Allahabad, Uttar Pradesh' have been inadvertently mentioned in place of Accountant General (A&E)-II, Allahabad (UP). AG (A&E)-II (UP) is a separate organization having duty to release pension to the retirees of the respective state, through concerned Treasury Office (in this case, Treasury Office Almora, Uttrakhand) in accordance with the PPO issued by the department, in which such retirees had served. Accordingly, in this issue the Respondent submitted an application vide diary No. 1347452/2022 before the Hon'ble Court seeking appropriate orders for modification of order dated 12.03.2020 passed by the Hon'ble Court on the petition, by issuing directions to "Account General (A&E)-II, Allahabad, Uttar Pradesh instead of "Accounting General of Border Security Force, Allahabad, Uttar Pradesh.'

16. The Accountant General (A&E)-11, Allahabad, Uttar Pradesh vide letter No. Pension(Central) /L.I.D-1058/253 dated 05/08/2020 (annexed and marked as 'Annexure-R-10') requested to forward PPO Order Numbers and documents for further necessary action. However, 75 Bn BSF vide L/No. Estt/75 Bn/Writ-Petition (Pension)/2021/8141-42 dtd 03 Dec 2021 approached Accountant General (A&E)-11, Allahabad, Uttar Pradesh to provide all necessary documents at the earliest to avoid any legal complications at the later stage. (Annexed herein as "Annexure R-11").

17. Thereafter, Accountant General (A&E)-II. Allahabad. Uttar Pradesh vide L/No. Pension (Central)/40 dated 11/04/2022. requested the

Petitioner i.e. Sh Deepak Singh S/o Late Nayayan Singh Bist to provide PPO and available connected documents under intimation to 75 Bn BSF, (Annexed as "Annexure R-12").

18. In the meantime, 75 Bn BSF vide L/No. 3971-76 dated 27/05/2022 has forwarded old PPO No. BSF-3949 dated 27 Oct 1979 to the Accountant General (A&E)-II. Allahabad, Uttar Pradesh vide L/No. Estt/75 Bn/Writ-Petition (Pension)/2022/3971-76 dated 27 May 2022 (annexed and marked as 'Annexure-R-13').

19. Thereafter. Accountant General (A&E)-II, Allahabad, Uttar Pradesh vide L/No. Pension Central Group /Group-11/LID-12703/288 dated 27/07/2022 (annexed and marked as "Annexure R-14'), again requested the Petitioner i.e. Sh Deepak Singh S/o Late Nayayan Singh Bist to provide any documents/ correspondence of their office in which the PPO No. or Co No. mentioned.

20. It is submitted that the Respondents have made various correspondences with State Pension Releasing Authority Accountant General (A&E)-II, Allahabad, Uttar Pradesh to release the due invalid pension to the petitioner i.e. Late CT Narayan Singh Bist from the date of stoppage of pension to upto 05/05/1984 (i.e. date of death, Death certificate annexed as 'Annexure R-15') and family pension to Smt. Gangotri Devi W/o Late CT Narayan Singh Bist from 05/05/1984 to 03/08/1984 (i.e. date of death, Death certificate annexed as 'Annexure R-16') and thereafter Sh Deepak Singh from 03/08/1984 to 12/02/2007 (i.e. date of death of his mother upto his age 25 years, School Certificate of the petitioner showing Age & relation annexed as 'Annexure R-17'). However, neither any fruitful reply received from the Accountant General (A&E)-11, Allahabad, Uttar Pradesh nor any action to release the due pension benefits to the Petitioner has been intimated, till date."

9. The stand which has been taken by the respondents would reveal that the son/petitioner shall not be entitled to the claim of pension, as made by him in the petition. In any case, a son is not entitled to family pension beyond the age of 25 years and more so, when the employee namely Narayan Singh Bisht had not made any claim nor the petitioner has shown the entitlement of his father for pension, any payment in favour of the petitioner cannot be granted.

10. The petition being without any merit, is dismissed.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 23, 2026/sr