

(2025) 11 DEL CK 1858
In the Delhi High Court
Case No : Writ Petition (C) No. 4350 Of 2025

Kalu Ram

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 06-11-2025

Acts Referred:

Central Civil Services (Extraordinary Pension Rules) 2023 — Rule 4

Citation : (2025) 11 DEL CK 1858

Hon'ble Judges : C. Hari Shankar, J;Om Prakash Shukla, J

Bench : Division Bench

Advocate : Abhay Kumar Bhargava, Satyaarth Sinha, Shradha Mewati, Kush Garg, Vedansh Anand

Final Decision : Allowed

Judgement

C. Hari Shankar, J

1. This is an unfortunate case in which, despite the medical board which examined the petitioner specifically certifying that he was suffering from "severe depressive disorder, which was aggravated by stress or strain of his service, with psychotic symptoms", the petitioner has not been granted disability pension, as is his entitlement under the Central Civil Services (Extraordinary Pension Rules) 2023 "the CCS (EOP) Rules".

2. Rule 4 of the CCS(EOP) Rules, which is relevant for our purposes, reads thus:

"4. Condition for grant of disability pension or family pension-

(I) 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 a 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."

3. Thus, disability pension is payable under the CCS (EOP) Rules not merely in cases where the disability or ailment is attributable to government service, but is also payable where it arose during government service and was aggravated by such service.

4. Learned Counsel for the respondent does not dispute the applicability of the CCS (EOP) Rules to the present case.

5. We may, for ready reference, reproduce the report of the medical board in the petitioner's case, thus:

"2. Opinion of the board:-

The board having examined No. 120604041 Rank CT/GD Name Kalu Ram of 153 BN BSF is of the opinion that he is suffering from Severe depressive Disorder with Psychotic symptoms" and is considered UNFIT for further service in BSF

3. Was the disability contracted in service?

YES

4. Was it contracted in circumstance over which he had no control?

YES

5. Is it directly attributable to condition of service?

NO

6. If so by what specified condition

NA

7. If not directly attributable to service was it aggravated there by and if so, by what specific condition?

Yes, due to stress & strain for severe Depressive Disorder with psychotic symptoms

8. Medical category recommended. S5H1A1P1EI •

9. Percentage of disability

40 % (Fifty Percent) for mental illness as per IDEAS scale

10. Period for which the above medical category recommended

PERMANENT

11. Further treatment/ investigation recommended As advised by specialist.

12. Next board due on.

NA

13. Employability restriction:- Unfit for further service in BSF" (Emphasis supplied)

6. The only submission of Mr. Kush Garg, learned Counsel appearing on behalf of Mr. Vedansh Anand, learned SPC, is that the depressive disorder from which the petitioner suffered was owing to the death of a close relative and was not, therefore, attributable to military service.

7. As we have already noted, any ailment even if not attributable to military service, would still entitle the employee to extraordinary pension – in the case of paramilitary personnel, disability pension – if the disability or ailment is aggravated by military service.

8. In view of the certification by the medical board that the petitioner's ailment was aggravated by military service, we see no reason why the petitioner was denied disability pension and has had to unnecessarily approach the court in that regard.

9. As the petitioner is a person suffering from disability, he is entitled to additional accommodation from the Court.

10. Accordingly, the impugned decision to disallow disability pension to the petitioner is quashed and set aside.

11. The respondent is directed to disburse, within four weeks from today, the disability pension which was payable to the petitioner from the date of his invalidation from service i.e. 14 May 2024.

12. The amount shall carry interest @ 12 % p.a. from that date till the date of payment.

13. The writ petition stands allowed accordingly.