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

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Date of Decision : 19.02.2026

+ W.P.(C) 2369/2026

BANARSI DEVI

.....Petitioner

Through: Mr. Keshav Pratap Singh, Mr.
Karamjeet Yadav, Advs.

versus

UNION OF INDIA AND ANR.

.....Respondents

Through: Mr Jagdish Chandra CGSC, Ms
Aishwarya Sinha, GP Mr Sujeet
Kumar Choudhary, Ms Maanya
Saxena, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

MANMEET PRITAM SINGH ARORA, J. (ORAL)

CM APPL. 11503/2026 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 2369/2026

3. The present petition has been filed by the petitioner as a widow of Late Ct Sh. Kishan Lal Saini (herein referred to as 'deceased') under Article 226 of the Constitution of India for issuance of a suitable writ, order or direction against the respondents to set aside the letter dated 18.02.2019 of



Director General of Border Security Force, letter dated 22.05.2017 of Deputy Commandant of 27 BN, Border Security Force, and to process the claims of the petitioner for grant of claim under Seema Prahari Beema Yojna-LIC ['SPBY']; liberalised family pension/extraordinary pension; and ex-gratia lump-sum compensation.

4. The relevant facts for deciding the present case is as follows:

4.1. Late Sh. Kishan Lal Saini was recruited in the Border Security Force ('BSF') as a Constable in the year 1999, after being found medically fit and suitable for service (since deceased).

4.2. In October 2004, while posted at BOP Sukhnagar (Ex 'E' Coy), 27 BN BSF, Naryanpur, Malda (West Bengal), the deceased sustained severe injuries when a tree collapsed on him while returning from *Naka* Duty, during the course of official duty.

4.3. Pursuant to the said accident, the deceased was taken to Diagnostic Centre, where X-rays and diagnostic evaluation revealed multiple fractures. The initial medical reports further recorded "two adjacent ring lesions with perussional edens and midline septum shifted to the Rt by 9 PM", indicating a serious neurological condition.

4.4. Despite the grave findings in the diagnostic reports, the deceased was primarily treated at the Medical Inspection Room and Civil Hospital, which, according to the record, resulted in deterioration of his medical condition.

4.5. Upon further worsening of his condition, the deceased was admitted to Sector Headquarters, Malda Hospital on the reference of the Unit Chief Medical Officer (SG), 27 BN BSF, where he was diagnosed with headache and depression and was thereafter recommended 45 days' medical leave.

4.6. The deceased availed medical leave w.e.f. 13.01.2005 and proceeded



to his hometown, where he obtained specialised treatment at SMS Hospital, Jaipur. On 07.02.2005, he underwent a major neurosurgical procedure, namely fronto-parietal-temporal craniotomy with left temporal lobectomy and tumoral decompression.

4.7. It is stated that the deceased was admitted to the BSF medical facility at R.K. Puram. The Petitioner was informed telegraphically on 07.07.2005 that the deceased had expired on 06.07.2005, the cause of death being recorded as Malignant Glioma with Fracture Tibia.

4.8. It is the Petitioner's case that no Court of Inquiry ['COI'] was conducted by the Respondents, which is mandatory under Rule 174(2) of the BSF Rules, 1969 to determine whether the death of was attributable to or aggravated by service conditions.

4.9. The Respondents, however, opined that the death of the deceased was not attributable to service and rejected the Petitioner's claims for consequential financial benefits.

4.10. It is contended that the Respondents' own impugned communication dated 22.05.2017 records that the accident dated 06.10.2004 might have accelerated the cause of death, thereby rendering the issue of attributability inconclusive.

4.11. It is respectfully submitted that the impugned letters are legally unsustainable in denying the Petitioner the benefits under SPBY-LIC (now Golden Jubilee Seema Prahari Kalyan Kawach), ex-gratia lump-sum compensation, and Liberalised Family Pension/Extraordinary Pension. The admitted factual position is that the deceased sustained grievous injuries when a tree collapsed upon him while returning from *Naka* Duty, i.e., during the course of official duty, thereby squarely attracting Category-II of the



SPBY scheme. The rejection of the insurance claim, therefore, proceeds on an erroneous appreciation of both facts and scheme provisions.

4.12. Further, the accident dated 06.10.2004 led to serious neurological complications, as evidenced by the diagnosis of ring lesions and subsequent major neurosurgery (fronto-parietal-temporal craniotomy with left temporal lobectomy and tumoral decompression) on 07.02.2005, after which the deceased ultimately succumbed on 06.07.2005. The medical chain clearly establishes a direct nexus between the duty-related accident and the death, entitling the Petitioner to ex gratia compensation in terms of DoP&PW O.M Nos. dated 11.09.1998 and 02.09.2008 and Government letter dated 21.04.2011.

4.13. The denial of Liberalised Family Pension/Extraordinary Pension is equally arbitrary, as the death falls within Categories B and C of Schedule II of the CCS (Extraordinary Pension) Rules, 1939, being attributable to and aggravated by service conditions.

4.14. In the aforesaid circumstances, the Petitioner contends that in the absence of a duly conducted COI and in view of the deceased being medically fit at the time of recruitment and having sustained injuries during the course of duty, the rejection of the claim on the ground of non-attributability is arbitrary, inconclusive, and contrary to the applicable BSF Rules and settled principles governing service-related death benefits.

5. In reply, learned counsel for the respondent state that death of late Sh. Kishan Lal Saini was due to cancer, which was prior to the incident of 07.10.2004. It is stated that the petitioner is receiving ordinary pension and her son has also been granted compassionate appointment with BSF.

6. This Court has heard the learned counsel for the parties and perused



the record.

7. There is no dispute that all terminal benefits were paid and family pension is being received by the petitioner. This fact is also recorded in the impugned letter dated 18.02.2019. The compassionate appointment of the son of the deceased with the BSF is also not denied.

8. The present petition has been filed on the premise that no Court of Inquiry ('COI') was conducted with respect to the impact of the injuries suffered in the accident of 07.10.2024 on the deceased. We however find that in the impugned communication dated 18.02.2019 it is recorded that a COI was conducted and it was opined that the death of the individual was due to Malignant Glioma (cancer) and not due to the accident. The said contention as regards non holding of COI in the petition is therefore, misconceived.

9. The respondents in the impugned letter dated 18.02.2019 have stated that since the death of the individual was due to Malignant Glioma (cancer), the death is thus, not attributable to government duty and therefore, the petitioner is not entitled to any financial benefit under SPBY. The petitioner has sought to contest the aforesaid conclusion, however there is no document placed on record for maintaining the challenge to the said fact finding.

Infact, the petitioner has placed on record the telegram received on 07.07.2005 informing the next of kin about the death of the deceased at Safdarjung Hospital due to Malignant Glioma (cancer). The petitioner was thus, duly notified about the stated cause of death way back in 2005.

10. The present writ petition filed in the year 2026 raising a contention that the death of the personnel in 2005 was accelerated due to the injuries



suffered in October 2004, is based on speculation and not substantiated by any documents on record. The petitioner has no personal knowledge forming basis of the said allegation and has raised this claim on speculative basis. The petition therefore, seeks to raise the disputed questions of fact, which after 21 years would be impossible to determine in the writ proceedings.

11. The respondents in the impugned letter dated 22.05.2017 have stated that since the deceased died due to natural causes, the next of kin are not entitled to ex-gratia grant or extraordinary pension under CCS (EOP) Rules, 1939. In view of our finding above, to the effect that the documents placed on record fail to dislodge the contention of the respondents as regards the cause of death being cancer, we find no ground to reject the decision communicated by the respondents vide letter dated 22.05.2017 and 18.02.2019.

12. The present writ petition is therefore, dismissed on the grounds of delay and laches as well as for raising disputed questions of facts. No order as to costs.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

FEBRUARY 19, 2026/AJ