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

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*Date of Decision : 21.01.2026*

+ **W.P.(C) 5770/2025**

**RAVI SANGWAN**

.....Petitioner

Through: **Mr. Abhay Kumar Bhargava, Adv.**

versus

**UNION OF INDIA & ORS.**

.....Respondents

Through: **Ms. Nidhi Raman, CGSC, Mr. Akash Mishra and Mr. Arnav Mittal, Advs.**

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**MANMEET PRITAM SINGH ARORA, J. (ORAL)**

1. The present petition has been filed seeking disability pension in favour of the Petitioner from the date of his retirement i.e., from 10.04.2024 with 12% interest.
2. Petitioner joined Border Security Force ['BSF'] in the year 2007 at the rank of Constable/GD.
3. The case set up by the learned counsel for the Petitioner in the petition is as follows:
  - 3.1. Petitioner while serving in the BSF, on 07.04.2016 was diagnosed with a case of depression with generalized anxiety disorder. He undertook



treatment between 2016 till 2023 leading to his medical category being downgraded.

3.2. The Petitioner appeared before Review Medical Board [‘RMB’] on 22.02.2024, where the Petitioner was diagnosed as suffering from “(i) Generalized anxiety disorder with recurrent depressive disorder, (ii) obesity” and placed under Permanent Medical Category S5 H1 A1 P3 E1 with 45% disability for mental illness as per IDEAS Scale, which is aggravated due to service.

3.3. Acting upon the said RMB dated 22.02.2024, a show cause notice dated 26.03.2024 was served upon the Petitioner by the Commandant of 116 BN BSF proposing to terminate services of the Petitioner on the ground of physical unfitness. *Vide* order dated 10.04.2024, Petitioner was invalidated from service with all the pensionary benefits admissible under the rules.

3.4. It is stated that, however, disability pension as stipulated under the Central Civil Services (Extraordinary Pension) Rules, 2023 [‘CCS (EOP) Rules, 2023’] has not been extended to the Petitioner.

3.5. Learned counsel for the Petitioner relies upon the findings of aggravation due to service of the disease recorded in the RMB dated 22.02.2024.

3.6. He states that the medical board has unequivocally recorded that the disability of the Generalized Anxiety Disorder with Recurrent Depressive Disorder was aggravated by the stress and strain of military service and the percentage of the disability has been assessed at 45% for life.

3.7. 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.



3.8. He states that, in an identical case, the coordinate bench of this Court in **Kallu Ram v. Union of India**<sup>1</sup> quashed the order of the Respondents denying disability pension.

4. In reply, learned counsel for the Respondents have stated that the disease of Generalized Anxiety Disorder with Recurrent Depressive Disorder does not have any causal connection with the military service; therefore, the same is not directly attributable to the conditions of the government service. She states that the Petitioner's case does not fall in categories B, C and D as provided in Rule 9 of CCS (EOP) Rules, 2023 for further determining the disability pension. She, however, fairly states that the facts of this case are not distinguishable from the case of **Kallu Ram** (supra) relied upon by the Petitioner.

5. 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).

6. Rule 4 of the CCS (EOP) Rules, 2023 which is relevant for this case, reads as under:

**4. Conditions for grant of disability pension or family pension. –**

(1) 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 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.

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<sup>1</sup> W.P.(C) 4350/2025, Judgement (Oral) dated 06.11.2025



.....

(4) It shall not be necessary for the Government servant or the family to submit any application for grant of disability pension or family pension under these rules.

(5) It shall be the responsibility of the Head of Office to consider each case of death or disability due to injury or disease caused to a Government servant based on the findings of the Medical Board and to take necessary action to submit the case to the competent authority, within three months of the date of receipt of the report of the Medical Board, for a decision in regard to grant of disability pension or family pension under these rules: Provided that the claim for disability pension or family pension under these rules shall not be rejected on account of any delay on the part of the Head of Office in submission of the case to the competent authority for a decision in regard to grant of disability pension or family pension under these rules.

(6) The disability pension shall consist of a service element and a disability element, which shall be determined in accordance with rule 10 of these rules.

(7) On death of a pensioner, who was in receipt of a disability pension, family pension shall be payable in accordance with sub-rule (2) of rule 11 of these rules.

[Emphasis supplied]

7. As held in **Kallu Ram** (supra), the disability pension is payable under the CCS (EOP) Rules 2023, not merely in cases where disability or ailment is attributable to government service, but is also payable where it arose during government service and was aggravated by such service.

8. In this case, though the Petitioner joined the service in 2007, his psychiatric disorder was diagnosed in April 2016 and thereafter he underwent treatment from 09.07.2016 onwards and continued to serve in BSF until he was ordered to retire on 10.04.2024. His medical category was downgraded consistently between 2017 to 2022 as set out at paragraph 14 of the counter affidavit. Lastly, the RMB held on 22.02.2024 opined that the Petitioner was permanently unfit for further service in BSF on account of 45% Generalized Anxiety Disorder with Recurrent Depressive Disorder.



9. For ready reference, the report of the RMB dated 22.02.2024, Part II recording the findings with respect to aggravation of the disease due to military service is reproduced as under:

**PART - II OF MEDICAL BOARD PROCEEDINGS**

Regt No **074446878** Rank **CT** Name **Ravi Sangwan** Unit **116 Bn BSF**.

1. Findings by the Board in brief (if different from the findings mentioned in Part-I): Nil.

2. **OPINION OF THE BOARD:**

The Board having examined No. **074446878** Name **Ravi Sangwan** Rank **CT** of **116 Bn BSF** is of the opinion that he is suffering from "**Generalized Anxiety Disorder with Recurrent Depressive Disorder 2. Obesity**" and is considered **UNFIT** for further service in BSF.

3.	Was the Disability contracted in service? <b>Yes</b>	4.	Was it contracted in circumstances over which he had no control? <b>No for Obesity</b> <b>Yes for Generalized Anxiety Disorder with Recurrent Depressive Disorder</b>
5.	Is it directly attributable to conditions of service? <b>No</b>	6.	If so, by what specific conditions? <b>NA</b>
7.	If not directly attributable to service was it aggravated thereby and if so, by what specific conditions? <b>Yes, by stress and strain for Generalized Anxiety Disorder with Recurrent Depressive Disorder</b>	8.	Medical category recommended <b>S5H1A1P3E1</b>
9.	Percentage of Disability <b>45 %</b> <b>(Forty five percent) for Mental illness as per IDEAS Scale</b>	10.	Period for which the above medical category recommended <b>PERMANENT</b>
11.	Further treatment/ investigations recommended <b>As advised by Specialist.</b>	12.	Next board due on <b>NA</b>
13.	Employability restrictions : <b>Unfit for further service in BSF.</b>		

Place : CH BSF Jalandhar.  
Date : 22<sup>nd</sup> Feb' 2024.

As is evident from the finding recorded by the Medical Board in Column 7, as shown above, the Board has recognized that the disability has been aggravated by the stress and strain of the service conditions. The counter affidavit does not dispute the said findings of the Board and does not give any reason for denying disability pension in spite of the said specific finding. As can be seen from the paragraph nos. 11 to 15 of the counter affidavit, the Petitioner's disorder aggravated and his medical fitness deteriorated between 2016 and 2024, which substantiates the finding of the Medical Board with respect to aggravation of the disability.

10. In addition, the facts of this case are identical with the facts of the



case of **Kallu Ram (Supra)** and the Respondents have not been able to point out any distinction in the same. In the said case of **Kallu Ram** as well, in view of the certification of the medical board with respect to aggravation of the depressive disorder due to stress and strain, disability pension was allowed to the petitioner, therein.

11. Similarly, 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, we see no reason why the Petitioner has been denied disability pension, especially given the fact that the Respondent has relied upon this very RMB dated 22.02.2024 to invalidate the Petitioner from service. Accordingly, the impugned decision of the Respondent to disallow disability pension to the Petitioner is quashed and set aside.

12. The Respondents are directed to disburse, within four (4) weeks from today, the disability pension which was payable to the petitioner from the date of his retirement from service, i.e., 10.04.2024. The amount shall carry interest @ 12% from 10.04.2024 till the date of payment.

13. The present writ petition stands allowed accordingly.

**MANMEET PRITAM SINGH ARORA, J**

**V. KAMESWAR RAO, J**

**JANUARY 21, 2026/IB**