



2025:DHC:9086-DB



\$~45

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

+ **W.P.(C) 896/2020**

NIRMALA YADAV

.....Petitioner

Through: Mr. Asish Nischal with Mr
Arun Nischal with Mr Shivam Kumar Singh
Advocates

versus

UNION OF INDIA & ORS

.....Respondents

Through: Mr. T.P. Singh, SPC with Mr
Ajay Pal, Law Officer and Insp. Athurv,
CRPF

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

%

10.10.2025

C.HARI SHANKAR, J.

1. The issue before us is regarding the entitlement of the petitioner to Extraordinary Pension¹ under the Central Civil Services (Extraordinary Pension) Rules, 1939². The petitioner is the widow of one Birender Singh Yadav³, Sub-Inspector (Ministerial), who was working with the Central Reserve Police Force.

2. Birender joined the CRPF as Assistant Sub Inspector in 1992. He was promoted as Sub Inspector in 2011. While working as Sub-

¹ "EOP" hereinafter

² "CCS(EOP) Rules", hereinafter

³ "Birender", hereinafter



Inspector, he died on 21 December 2018. There is no dispute about the fact that, at the time of his joining the services of the CRPF in 1992, he was not noted as suffering from any of the ailments which ultimately led to his demise.

3. The initial case that the petitioner sought to make out in the writ petition was that Birender had been posted for 12 years in hard stations, as a result of which he contracted several serious and life threatening ailments.

4. Mr. Nischal, learned counsel for the petitioner, points out that, in 2016, Birender was diagnosed as suffering from Hematuria and Jaundice, which was followed by contracting of diseases, such as Pulmonary hypertension, Genito-urinary tuberculosis with hydronephrosis and Chronic liver disease⁴ with anemia and thrombocytopenia, which ultimately resulted in his demise.

5. The question before us is as to whether the petitioner, as the widow of Birender, would be entitled to extraordinary pension in terms of the CCS (EOP) Rules.

6. As there appeared to be some discrepancy in the reasons cited by the respondent for denying EOP to the petitioner, this Court, by order dated 19 December 2024, directed that the record of the Court of Inquiry⁵ which had enquired into the aspect of attributability of the death of the Birender, to the CRPF service undertaken by him, be

⁴ “CLD” hereinafter

⁵ “COI”, hereinafter



produced in Court.

7. Mr. T.P. Singh, learned SPC, has produced before us the record of the COI.

8. We deem it appropriate to reproduce, in vernacular as well as in translation, finding nos.1 to 4 of the COI thus:

“In Vernacular

(1) स्वर्गीय उ०नि०/मंत्रा. बिरेन्द्र सिंह का पहले से (old case) Chronic Liver disease with Pulmonary Hypertension with Genito Urinary T.B. with Hydronephrosis के कारण चिकित्सा आधार (अनुकम्पा) पर आर.टी.सी. जोधपुर से स्थानांतरित होकर दिनांक 08/11/2017 को इस ग्रुप केन्द्र में पदस्थ हुआ था।

(2) स्वर्गीय उ०नि०/मंत्रा. बिरेन्द्र सिंह का पहले से (old case) Chronic Liver disease with Pulmonary Hypertension with Genito Urinary T.B. with Hydronephrosis के कारण दिनांक 21/12/18 को Cardio Respiratory arrest होने पर मृत्यु हो गई। जिसके लिए विभाग का कोई व्यक्ति जिम्मेदार नहीं है।

(3) सभी गवाहों एवं साक्ष्यों के अध्ययन के बाद अदालत की यह राय है कि स्वर्गीय उ०नि० / मंत्रा. बिरेन्द्र सिंह का पहले से (old case) Chronic Liver disease with Pulmonary Hypertension with Genito Urinary T.B. with Hydronephrosis बिमारी से ग्रस्त था।

(4) श्रीमति निर्मला यादव पत्नी स्व० उ०नि०/मंत्रा. बिरेन्द्र सिंह द्वारा प्रस्तुत प्रतिवेदन /आवेदन पत्र के साथ संलग्न चिकित्सा दस्तावेजों की जांच करवाने एवं चिकित्सा राय/रिपोर्ट लेने के लिए सभी दस्तावेज पुलिस उपमहानिरीक्षक (चिकित्सा), संयुक्त अस्पताल, अजमेर को भेजे गए जिसपर संयुक्त अस्पताल, केरिपुबल, अजमेर के मुख्य चिकित्साधिकारी द्वारा प्रस्तुत रिपोर्ट के पैरा-3 में दर्शाया गया है कि एम्स के ओ.पी.डी. दस्तावेजों (दिनांक 01/02/17) के अनुसार K/C/O Alcoholler Liver Disease with Cirrohosis एवं मेदांता अस्पताल के ओ.पी.डी. दस्तावेजों (दिनांक 30/11/17) के अनुसार CLD-Cirrohosis-Child Pugh Class B बताया है। मुख्य चिकित्साधिकारी की उक्त राय के अनुसार स्व० कार्मिक की बिमारी ई.ओ.पी. के Schedule-1-A के II(xii) के तहत श्रेणी "ए" (Not



attributable to Govt. Service) में आती है। अतः उक्त स्व० कार्मिक के उत्तराधिकारी को तदनुसार भारत सरकार के नियमानुसार देय पेंशन एवं अन्य लाभ प्रदान किये जाने की सिफारिश की जाती है।“

Translated in English

“(1) The late Sub-Inspector/Ministerial Birendra Singh, *due to pre-existing (old case) Chronic Liver Disease with Pulmonary Hypertension with Genito-Urinary Tuberculosis with Hydronephrosis*, was transferred from R.T.C. Jodhpur to this Group Centre on medical (compassionate) grounds and was posted here on 08/11/2017.

(2) The late Sub-Inspector/Ministerial Birendra Singh passed away on 21/12/2018 due to Cardio-Respiratory Arrest *caused by the pre-existing (old case) Chronic Liver Disease with Pulmonary Hypertension with Genito-Urinary Tuberculosis with Hydronephrosis*. No departmental personnel is responsible for this.

(3) After studying all witness statements and evidence, the court is of the opinion that the late Sub-Inspector/Ministerial Birendra Singh was suffering from the pre-existing (old case) Chronic Liver Disease with Pulmonary Hypertension with Genito-Urinary Tuberculosis with Hydronephrosis.

(4) The representation/application submitted by Mrs. Nirmala Yadav, wife of the late Sub-Inspector/Ministerial Birendra Singh, along with attached medical documents, was sent to the Deputy Inspector General of Police (Medical), Composite Hospital, Ajmer for examination and to obtain a medical opinion/report. According to the report submitted by the Chief Medical Officer of Composite Hospital, CRPF, Ajmer, it is stated in Para-3 that as per the AIIMS OPD documents (dated 01/02/2017) *the diagnosis was Known Case of Alcoholic Liver Disease with Cirrhosis*, and as per the Medanta Hospital OPD documents (dated 30/11/2017), the diagnosis was CLD – Cirrhosis – Child-Pugh Class B. According to the above medical opinion of the Chief Medical Officer, the disease of the deceased personnel falls under Category ‘A’ (Not attributable to Government Service) as per Schedule-1-A, Section II(xii) of E.O.P. rules. Therefore, it is recommended that the eligible pension and other benefits be provided to the deceased personnel’s legal heir as per Government of India rules.”

(Emphasis supplied)

9. A holistic reading of the findings of the COI, which have taken



into account the reports of various hospitals including the AIIMS and Medanta Hospital, discloses that though Birender was a known case of alcoholic liver disease⁶ with cirrhosis, his death has been found to be attributable to CLD with pulmonary hypertension with genito-urinary TB and hydronephrosis. There is no finding that the pulmonary hypertension, genito-urinary TB and hydronephrosis was attributable to the ALD with cirrhosis from which Birender was suffering. As such, even if Birender was suffering from liver disease, that, even as per the COI, is not the sole cause of Birender's death.

10. Mr. T.P. Singh had placed reliance on Schedule 1A (II) to the CCS (EOP) Rules, which has identified certain diseases which, in the normal course, would not be regarded as affected by service. Among these, at Serial no (xii) is "cirrhosis of the liver - if alcoholic".

11. Had the findings of the COI been that the Birender's death was attributable only to ALD, we may have agreed with the submissions of Mr. Singh. However, the report of the COI, as we have already noted, and as is apparent from the extract reproduced in para 8 *supra*, is to the effect that Birender, though a known case of ALD with cirrhosis, died because of CLD with pulmonary hypertension with genito-urinary TB with hydronephrosis. In the absence of any finding by the COI, that these ailments, which were the proximate cause of the death of Birender, were attributable to the ALD/cirrhosis from which he was suffering, we do not find this to be a case in which the respondent could legitimately deny EOP to the petitioner.

⁶ "ALD", hereinafter



2025:DHC:9086-DB



12. Accordingly, we find the petitioner entitled to EOP in terms of the CCS (EOP) Rules, as the death of the petitioner's husband, on the basis of the material on record and as per the findings of the COI, has to be treated as attributable to his service in the CRPF.

13. Accordingly, we direct the respondents to disburse the pensionary benefits to the petitioner, in terms of our judgment passed today, within a period of four weeks from today.

14. Mr. Singh prays that further time be granted. We find no reason to accede to the prayer. The only exercise that the respondent is required to undertake is to compute the extraordinary pension payable to the petitioner and issue a revised PPO.

15. Needless to say, the EOP would be payable from the death of death of Birender. Arrears, if any, would be disbursed, to the petitioner, within a period of eight weeks from today, failing which they shall carry interest at the rate of 9% p.a. till the date of actual payment.

16. The petition is allowed in the aforesaid terms.

C.HARI SHANKAR, J

OM PRAKASH SHUKLA, J

OCTOBER 10, 2025/yg