



2025:DHC:9840-DB



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

+ **W.P.(C) 4860/2023**

SHARDA DEVI & ANR.Petitioners

Through: Mr. Siddharth Aggarwal and
Mr. Himanshu Gautam, Advs.

versus

UNION OF INDIA & ANR.Respondents

Through: Mr. Jatin Singh, Mr. Keshav
Sehgal, Mr. Shivam Gaur, Mr. Shubham
Agarwal, Mr. Aryan Kumar, Ms. Rashi
Singh, Ms Shabina
Mr. Siddarth Agarwal, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% **10.11.2025**

C. HARI SHANKAR, J.

REVIEW PET. 551/2025, CM APPL. 68558/2025 and CM APPL. 68559/2025

1. We have heard Mr. Keshav Sehgal, learned Counsel for the respondents and Mr. Siddharth Aggarwal, learned Counsel for the petitioner at length on this review petition.

2. Having heard, learned Counsel for both sides, we are inclined only to modify our judgment dated 21 August 2025 to a limited extent. In the said judgment, we had analogised the case of Mahendra



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Singh Sharma, the petitioner' husband, with that which was before the Supreme Court in **Union of India v S.S. Bedi**¹.

3. **S.S. Bedi** was a case which arose under the Army (Pension) Regulations, 1961. The respondent S.S. Bedi², in that case, was imposed a punishment of cashiering. Simultaneously, however, the respondent also withheld his pension on the ground that a punishment of cashiering *ipso facto* entitled withholding of pension. Bedi challenged the decision. The challenge travelled upto the Supreme Court. The Supreme Court noted that Section 71 of the Army Act, 1950 envisaged cashiering and withholding of past service for the purposes of pensionary benefits as separate punishments and, having chosen only to award the punishment of cashiering, the respondent could not have withheld the pensionary benefits of Bedi, following on the misconduct proved against him.

4. However, the Supreme Court also noted the contentions of the Union of India that Regulation 16(a) of the Army Pension Regulations additionally empowered the respondents to forfeit the past service of the concerned officer if he was dismissed from service.

5. Without expressing any opinion on the applicability of Regulation 16(a) of the Army Pension Regulations, the Supreme Court reserved liberty with the respondent to proceed thereunder if so advised.

¹ (2022) 8 SCC 700



6. Thus, two issues arose – firstly, whether the respondent was justified in withholding of pension of Bedi under Section 71 of the Army Act and, secondly, whether the respondent was entitled to forfeit the past service of Bedi for pensionary benefits under Regulations 16(a) of the Army Pension Regulations.

7. Both these issues arise in the present case as well.

8. Rule 20 of the Border Security Force Rules, 1969³ is *pari materia* to Section 71 of the Army Act. The ratio of **S.S. Bedi**, to the extent it holds that, having only chosen to cashier Bedi, the respondent could not simultaneously forfeit his past service for purposes of pension under Section 71 would *mutatis mutandis* apply to Rule 20 of the BSF Rules. To that extent we have held that the respondents having not chosen to award a separate punishment of forfeiture of past service to Mahendra Singh Sharma under Rule 20, the respondent could not have invoked the said Rule to justify forfeiture his service for the purposes of pension, does not call for any change.

9. However, learned Counsel for the parties are *ad idem* that the CCS (Pension) Rules would apply to Mahendra Singh Sharma as, otherwise, there is no Rule under which he can be paid pension.

10. Rule 24 of the CCS (Pension) Rules is *pari materia* to Rule 16(a) of the Army Pension Regulations.

² “Bedi” hereinafter



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11. Accordingly, we find substance in the submission of Mr. Keshav Sehgal, learned Counsel for the respondent that liberty should be permitted to the respondent to proceed in terms of Rule 24 of the CCS (Pension) Rules, if so advised.

12. Accordingly, we modify the order dated 21 August 2025 to the extent that the respondent would be entitled to proceed in accordance with Rule 24 of the CCS(Pension) Rules, if so advised.

13. Needless to say, this would be in accordance with law.

14. The review petition is allowed to the aforesaid limited extent.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

NOVEMBER 10, 2025

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³ “the BSF Rules” hereinafter