



2025:DHC:11188-DB



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

+ **W.P.(C) 4042/2025**

KALU RAM

.....Petitioner

Through: Mr. Abhay Kumar Bhargava,
Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Vedansh Anand, SPC, Mr.
Kush Garg, Adv. with Mr. Rajkumar
Maurya, GP

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% **10.12.2025**

C. HARI SHANKAR, J.

1. This is yet another unfortunate case in which, in the teeth of the report of the Medical Board which is in favour of the petitioner, *ex gratia* compensation in terms of Office Memorandum dated 7 June 2017 issued by the Resettlement & Welfare Directorate of the Ministry of Home Affairs¹ has been denied to the petitioner.

2. The petitioner joined the Border Security Force² as Constable/GD on 3 April 2012. At that time, he was healthy.

¹ "RWD" hereinafter

² "BSF" hereinafter



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3. Twelve years after he joined service, the petitioner was found to be suffering from severe depressive disorder with psychotic symptoms as per the opinion dated 21 March 2024 of the RMB. The opinion diagnosed him as suffering from 40% permanent disability *which was aggravated by service stress and strain*. We may reproduce it, in its entirety, thus:

“CONFIDENTIAL

**PART -II OF-REVIEW MEDICAL BOARD
PROCEEDINGS**

No. 120604041 Rank CT/GD Name KALU RAM of 153 BN BSF

1. Finding of the Board in brief (if different from the findings mentioned in Part-1):- Attached

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 conditions? NA
7	<i>If not directly attributable to service was it aggravated there by and if so, by what specific condition?</i> <i>Yes, due to stress & strain for severe Depressive Disorder with psychotic symptoms</i>	8	Medical category recommended S5H1A1P1E1

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9	Percentage of disability 40% (Forty 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		

Place:- CH BSF JALANDHAR
21/03/2024”

4. Office Memorandum dated 21 April 2011 issued by the RWD entitles personnel of the Central Paramilitary Forces, who become disabled or incapacitated on account of causes which are attributable to or aggravated by government service, to *ex gratia* payment in terms of the Central Civil Service (Extra Ordinary Pension) Rules, 2023³.

5. We may reproduce in their entirety, the OMs dated 21 April 2011 of the RWD and 7 June 2017 of the RWD thus:

OM dated 21 April 2011

“No. 27011/64/2009-R&W
Government of India/ Bharat Sarkar
Ministry of Home Affairs/ Grih Mantralaya
Resettlement and Welfare Directorate
Police Division-11

Room No. 171-C,
North Block, New Delhi,

Dated: 21st April 2011



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OFFICE MEMORANDUM

Subject: Payment of ex-Gratia lump sum compensation to CPMF (now CAPF) personnel who are boarded out of service on account of disability attributable to or aggravated in service.

The undersigned is directed to say that the Central Paramilitary Forces (CPMF) now Central Armed Police Forces (CAPF) personnel, who sustain injuries and become disabled or incapacitated on account of causes accepted or attributable to, or aggravated by Government service, are eligible for certain special benefits under the Central Civil Services (Extraordinary Pension) Rules. The benefits available under these Rules have been amended and liberalized from time to time.

2. The question of granting a lump sum ex-gratia compensation to personnel belonging to CAPFs, who are boarded out of service on account of disability attributable to or aggravated in service, has been under consideration of the Government.

3. It has now been decided that such CAPFs personnel, who are disabled in the performance of their bonafide official duties under various circumstances and are boarded out from service on account of disability attributable to or aggravated in service shall be paid ex gratia compensation amounting to Rs. 9 lakhs for 100% disability. For cases with less than 100% disability, the amount of ex-gratia compensation may be reduced in proportion to the degree of disability, e.g., for 50% disability an ex-gratia compensation of Rs. 4.5 lakhs will be payable. However, a minimum of 20% disability will be the condition for grant of ex-gratia compensation. The proportionate compensation would be based on actual percentage of disability without any board banding provisions as contained in DOP&PW OM No. 45/22/97-P&PW(C) dated 03/2/2000.

4. The other terms and conditions for admissibility of ex-gratia lump sum compensation pertaining to the circumstances, specifies in DOP&PW's OM NO. 45/55/97-P&PW(C) dated 11/9/1998 and No. 38/37/08-P&PW (A) dated 02/09/2008 will be applicable to decide each individual case by the Administrative Ministries concerned in consultation with their Financial Advisers.

5. This issues with the concurrence of the Ministry of Finance, Department of Expenditure vide their UO No. 1 (5)/EV/2009 dated 13/4/2011 and DOP&PW ID No.33/5/2009-P&PW (F) dated 21/4/2011.

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6. These orders will apply to all cases of CAPF's personnel boarded out on or after 1/4/2011 on account of disability attributable to or aggravated in service.

(Ajay K. Singh)
Director to the Govt. of India"

OM dated 7 June 2017

Room No. 171/C
North Block, New Delhi,

Dated, 07 June 2017

OFFICE MEMORANDUM

Subject:- Payment of ex gratia lump compensation to Central Armed Police Forces (CAPFs) and Assam Rifles (AR) personnel who are boarded out of service on account of disability attributable to or aggravated in service

The undersigned is directed to refer this Ministry's Office Memorandum No. 37011164/2009-R&W dated 21/04/2011 on the subject, wherein CAPFs and Assam Rifles personnel, who are disabled in the performance of their bonafide official duty under various circumstances and are boarded out from service on account of disability attributable to or aggravated in service was allowed for payment of ex-gratia compensation amounting to Rs 9 Lakh for 100 percent disability.

2. It has been now decided to revise rate of Ex-Gratia lump sum compensation from Rs. 09 lakhs to Rs 20 Lakh wef 01/01/2016 for 100 percent disability to CAPFs & Assam Rifles Personnel on the basis of recommendations of 7th Central Pay Commission w.e.f 01/01/2016 For cases with less than 100 percent disability, the amount of ex-gratia compensation may be reduced in proportion to the degree of disability.

3. The other terms and conditions for admissibility of ex-gratia lump sum compensation pertaining to the circumstances, specified in DoP&PW'S OM No.45/55/97-P&PW(C) dated 11/09/1998, No. 45/22/97-P&PW(C) dated 03/02/2000 and No. 38/37/08-P&PW (A) dated 02/09/2008 remain unchanged and applicable to decide each individual case by the Administrative Ministries concerned in consultation with their Financial Advisers.



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4. This issues with the concurrence of the DoP&PW Diary No.33/5/2009-P&PW(F)dated 25.10.2016 and Ministry of Finance, Department of Expenditure vide their UO ID No. 30/2/21/2016-IC(Pt) dated 11 /05/2017.

5. These orders will apply to all cases of CAPFs and Assam Rifles disabled personnel boarded out on or after 01 /01 /2016 on account of disability attributable to or aggravated in service.

Sd/-
Prashan Nikam
Director (Pers & Air)”

6. We fail to understand why, despite the opinion of the Medical Board being in favour of the petitioner, he unnecessarily had to litigate in order to obtain *ex gratia* compensation as was his due entitlement.

7. Learned Counsel for the respondent initially sought to contend that the petitioner’s ailment was not attributable to military service, but did not pursue the contention on his attention being invited to the report of the Medical Board extracted *supra*.

8. In these circumstances, the petitioner is clearly entitled to *ex gratia* compensation in terms of the RWD OM’s dated 21 April 2011 and 7 June 2017.

9. The petitioner has sought 9% interest from the date of disability.

10. Accordingly, we direct that *ex gratia* compensation, in terms of the CCS (EOP) Rules, be disbursed to the petitioner positively within two weeks from today, failing which the said amount shall carry interest @ 12% per annum till the date of actual payment.

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11. The petition is allowed in the aforesaid terms.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

DECEMBER 10, 2025/dsn

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