



2026:DHC:9429-DB



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

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Date of Decision: 12<sup>th</sup> October, 2026# **CNR No. DLHC010484242026**+ **W.P.(C) 14853/2026****PREM KUMAR PANDAY**

.....Petitioner

Through: Mr. Abhay Kumar Bhargava, Mr.  
Ajinkya Dhalwade and Mr. Nikhel Kumar,  
Advocates.

versus

**UNION OF INDIA & ORS.**

.....Respondents

Through: Mr. Shashank Bajpai, CGSC with Ms.  
Aashna Mehra, Mr. Vatsal Tripathi, Mr. Govind  
Singh Chauhan, Advocates.

Mr. Rajeev Kumar, Senior Panel Counsel with Mr.  
Nitin Kumar, GP.

**CORAM:****HON'BLE MS. JUSTICE JYOTI SINGH****HON'BLE MR. JUSTICE GURVINDER PAL SINGH****JUDGEMENT****JYOTI SINGH, J. (ORAL)**

1. This writ petition is filed on behalf of the Petitioner under Article 226 of the Constitution of India seeking direction to the Respondents to grant *ex-gratia* compensation to the Petitioner in terms of Office Memorandums (OMs) dated 21.04.2011 and 07.06.2017, issued by Respondent No. 1 along with 9% interest p.a. from 05.01.2025, when Petitioner was invalidated from service.

2. Case of the Petitioner as pleaded is that Petitioner was appointed as Constable (GD) in BSF after being declared completely medically fit in all respects upon clearing the Detailed Medical Examination and had no pre-



existing disease or disability. While serving in BSF, Petitioner suffered from ‘Bipolar Affective Disorder with psychotic features and Obesity’ and the Medical Board rendered a finding on 20.07.2024 that Petitioner was a case of 48% permanent disability and opined that the disability though not attributable to service but was aggravated by stress and strain of service. On 20.09.2024, Commandant 154 BN BSF issued show cause notice to the Petitioner under Rule 25 of BSF Rules, 1969 informing the Petitioner that the Medical Board had found him suffering from ‘Bipolar Affective Disorder with psychotic features and Obesity’ and the recommended medical category was S5H1A1P2E1 and therefore, Petitioner was unfit for further service in BSF and calling upon him to reply to the notice. By order dated 20.12.2024, Petitioner was invalidated from service on ground of physical unfitness with all pensionary benefits as admissible.

3. Learned counsel for the Petitioner submits that Petitioner is entitled to *ex-gratia* compensation in light of the opinion of the Medical Board diagnosing the Petitioner with ‘Bipolar Affective Disorder with psychotic features and Obesity’ and assessing the disability at 48%, basis which Petitioner was invalidated from service. It is urged that having accepted the Medical Board’s opinion, it was not open to Respondents to deny the *ex-gratia* payment in terms of OMs dated 21.04.2011 and 07.06.2017 as also that case of the Petitioner is covered by the judgment of the Division Bench of this Court in ***Kalu Ram v. Union of India and Others, 2025 SCC OnLine Del 9748.***

4. Learned counsel for the Respondents fairly and candidly does not dispute that the case of the Petitioner is covered by the OMs as also the judgment in ***Kalu Ram (supra).***



5. In the instant case, Petitioner was appointed in BSF in 2008 as Constable (GD) after he was declared medically fit in all respects. While serving, Petitioner was diagnosed with 'Bipolar Affective Disorder with psychotic features and Obesity' vide Medical Board's opinion dated 20.07.2024 and disability was assessed as permanent and 48%. Show cause notice was issued to the Petitioner on 20.09.2024, calling upon him to show cause why he should not be invalidated from service on ground of medical unfitness and finally, vide order dated 20.12.2024, Petitioner was invalidated from BSF service.

6. Significantly, Medical Board found that the disability was contracted in service and aggravated due to stress and strain of service *albeit* not attributable to conditions of service. The opinion has been admittedly accepted by the Respondents as this forms the basis of Petitioner's invalidation from service and therefore, Respondents can neither dispute the disability or its percentage nor the fact that it was aggravated due to stress and strain of BSF service. For ready reference, opinion of the Medical Board is as follows:-

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

*No. 80027203 Rank CT/GD Name Prem Kumar Pandey of 154 BN BSF*

*1. Findings of the Board in brief (if different from the findings mentioned in part -I): NIL*

*2. Opinion of the board:-*

*The Board having examined No. 080027203 Rank CT/GD Name Prem Kumar Pandey of 154 BN BSF is of the opinion that he is suffering from "Bipolar Affective Disorder with psychotic features and Obesity" and is considered UNFIT for further service in BSF.*



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|    |                                                             |   |                                                                                                                              |
|----|-------------------------------------------------------------|---|------------------------------------------------------------------------------------------------------------------------------|
| 2. | Was the disability contracted in service?<br><br><b>Yes</b> | 4 | Was it contracted in circumstance over which he had no control?<br><br>Yes For Bipolar Affective Disorder<br>No for Obesity. |
|----|-------------------------------------------------------------|---|------------------------------------------------------------------------------------------------------------------------------|

|    |                                                                                                                                                                            |    |                                                                                 |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|---------------------------------------------------------------------------------|
| 5  | Is it directly attributable to condition of service?<br><br><b>No</b>                                                                                                      | 6  | If so by what specified condition?<br><br><b>NA</b>                             |
| 7  | If not directly attributable to service was it aggravated there by and if so, by what specific condition?<br><br>Yes Due to stress & strain for Bipolar Affective Disorder | 8  | Medical category recommended.<br><br><b>S5H1A1P2E1</b>                          |
| 9  | Percentage of disability<br><br><b>48 % as per ideas scale for Bipolar Affective Disorder</b>                                                                              | 10 | Period for which the above medical category recommended<br><br><b>PERMANENT</b> |
| 11 | Further treatment / investigation recommended<br><br><b>As per the advice by specialist</b>                                                                                | 12 | Next board due on<br><br>Not applicable                                         |

Employability restriction:- Unfit for Further Service

CH BSF JALANDHAR 20/7/2024

Signature Not Verified

Digitally Signed  
By: KAMAL KUMAR  
Signing Date: 23.10.2026  
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7. Ministry of Home Affairs, Government of India issued OM dated 21.04.2011 which stipulated that CAPFs personnel, who are disabled in the performance of their *bona fide* official duties under various circumstances and are boarded out from service on account of disability attributable to or aggravated by service, shall be paid *ex-gratia* compensation amounting to Rs.9 lakhs for 100% disability and for cases with lesser percentage, the amount may be reduced in proportion to the degree of disability. By OM dated 07.06.2017, the amount of compensation of Rs. 9 lakhs was revised to Rs.20 lakhs with effect from 01.01.2016 for 100% disability on the basis of 7<sup>th</sup> CPC recommendations and for cases for lesser disability, the amount of compensation was reduced in proportion to the degree of disability. In **Kalu Ram (supra)**, placing reliance on the two OMs as also the opinion of the Release Medical Board which diagnosed the disability of the Petitioner as Severe Depressive Disorder with Psychotic Symptoms and assessed the same as 40% permanent, the Division Bench held that Petitioner was entitled to *ex-gratia* compensation and observed that despite the opinion of the Medical Board being in favor of the Petitioner, he was unnecessarily made to litigate. In this context, we may allude to the judgment of another Division Bench in **Hari Prakash v. Union of India and Others, 2026 SCC OnLine Del 2256**.

8. We are of the considered view that Petitioner is entitled to *ex-gratia* compensation in terms of OMs dated 21.04.2011 and 07.06.2017, in light of the opinion of the Medical Board diagnosing his disability as 'Bipolar Affective Disorder with psychotic features and Obesity', basis which he was invalidated out and the finding that the disability was aggravated by stress and strain of service. Case of the Petitioner is squarely covered by the



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judgments in *Kalu Ram (supra)* and *Hari Prakash (supra)*.

9. Accordingly, this writ petition is allowed, directing Respondents No.2 and 3 to disburse the *ex-gratia* compensation to the Petitioner in terms of OMs dated 21.04.2011 and 07.06.2017 within eight weeks from today, failing which the amount shall carry interest @ 12% p.a. from the date of discharge till date of actual payment.

10. Writ petition stands disposed of.

**JYOTI SINGH, J**

**GURVINDER PAL SINGH, J**

**OCTOBER 12, 2026/vs**