



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CWP-4270-2022 (O&M)

Date of decision: 08.04.2025

Talwinder Singh

...Petitioner

VERSUS

Union of India and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present :- Mr. Rajeev Anand, Advocate for the petitioner.

Mr. Shivoy Dhir, Sr. Panel Counsel,  
for respondent(s)-UOI.

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**VINOD S. BHARDWAJ, J. (Oral)**

1. Challenge in the present petition is to the order dated 29.11.2021 whereby the claim of the petitioner for grant of disability pension has been rejected by the respondents. A further prayer has been sought for directing the respondents to release the disability pension along with all the consequential benefits, as per the provisions contained in Rule 3-A of the CCS (Extra Ordinary Pension) Rules, 1939.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner joined the Central Reserve Police Force (CRPF) on 31.01.2001 as a Constable (General Duty). At the time of his induction into service, the petitioner was categorized under Shape-I medical status, which clearly established that he was free from any physical or mental impairments and had been certified as fit for service by the Medical Board of the respondent-Department. Upon joining, the petitioner was assigned Force No. 015165251



and he carried out his duties with utmost diligence, earning the appraisal of his superiors and maintained an unblemished service record throughout. A detailed account of the petitioner's postings during his tenure has been compiled; however, the same is not being reproduced herein as there is no substantive dispute regarding these details.

3. Counsel further submits that after rendering his services across multiple field postings, including high-risk areas such as terrorism-affected zones like Srinagar for over eight years, the petitioner was diagnosed in 2009 with a disability—namely, Psychosis (Bipolar Disorder), also referred to as Psychosis with Depression. At that time when this illness was diagnosed, the petitioner was stationed at the DIG Office in Srinagar. He was referred to the Medical Board of the respondent-Department on 15.06.2009, following which he was placed under a temporary low medical category of S3 (T-24+24+24). The petitioner was subjected to further medical evaluations and on 10.03.2014, he was placed under the S2 category, where he continued to be reflected as a case of low medical category. He was prescribed anti-depressants and oral anti-diabetic medications through the Mental Health Institute, Amritsar, as well as from a private hospital in Gurdaspur, though with limited relief.

4. He submits that a Special Review Medical Board, consisting of psychiatrists, was eventually convened at the Composite Hospital, Ajmer, with the specific mandate of reviewing psychiatric cases that had remained under the 'S' factor category for over five years, to determine their fitness for continued service or to otherwise recommend their discharge. Pursuant to this,



the petitioner appeared before the said Board on 16.03.2020, and on 19.03.2020, he was reclassified to medical category S-5 and declared unfit to continue in the Armed Forces in a combatant role. He was accordingly recommended for invalidation from service, with instructions to present him before the Medical Invalidation Board, subject to prior administrative approval from the competent authority.

5. Learned counsel appearing on behalf of the petitioner submits that a Medical Board was constituted at Composite Hospital (CH), Jammu, under ID (Med) CH Jammu Signal communication dated 19.02.2021, for the specific purpose of assessing and calculating the percentage of disability suffered by the petitioner. The findings and opinion of the said Medical Board, as recorded in its report dated 10.03.2021, are reproduced as under:

*“F.No. 015165251 CT/GD Talwinder Singh of GC/JDR is a case of PSYCHOSIS WITH DEPRESSION since 2009 with other comorbidities has shown no response to treatment and board is of the opinion to keep him in cat-S5(P) and to be invalidated from service with disability %= 100% (HUNDRED PERCENT).”*

6. A decision was consequently taken to invalidate the petitioner from service with effect from 01.06.2021 on account of the disability diagnosed as “Psychosis with Depression,” which was assessed at 100% and held attributable to service. While issuing the invalidation order dated 01.06.2021, the respondents considered the provisions of Rule 38 of the Central Civil Services (Pension) Rules, 1972. However, despite the petitioner’s entitlement



to disability pension in light of the 100% service-related disability, the respondents erroneously granted only the invalidated pension.

7. Learned counsel for the petitioner further submits that the petitioner is also entitled to receive Disability Ex-Gratia Lump Sum Compensation amounting to Rs. 20 Lakhs for his 100% disability, in addition to Constant Attendant Allowance, which is admissible to CRPF personnel who are boarded out of service with total disability. Instead, the authorities limited the benefits to invalidated pension alone. The petitioner submitted a detailed representation dated 29.06.2021 seeking release of the disability pension, Disability Ex-Gratia Lump Sum Compensation, Constant Attendant Allowance, and other benefits to which he is legally entitled.

8. Despite the submission of the said representation, no decision was taken by the respondents, thus compelling the petitioner to invoke the jurisdiction of this Hon'ble Court by filing Civil Writ Petition No. CWP-22117-2021. The said writ petition was disposed of vide order dated 01.11.2021, with a direction to the respondent-authorities to consider the petitioner's representation and take an appropriate decision in accordance with law.

9. In compliance to the aforesaid order dated 01.11.2021, the impugned order dated 29.11.2021 was passed by the respondent-authorities declining the claim of the petitioner for the reasons which are extracted as under:-

“7. *Now, therefore, in compliance to the judgment dated*



*November 01, 2021 pronounced in CWP No 22117 of 2021 titled Force No. 015165251 Ex-CT/GD Talwinder Singh of GC, CRPF Jalandhar Vis UOI &Others, before the Hon'ble High Court of Punjab & Haryana at Chandigarh in connection with to grant disability pension, ex-gratia lump sum compensation and all consequential benefits along with arrears 18% p.a. and direction issued by the DIG (Law) Directorate General CRPF vide signal No. J.II.921/2021-Law-DA-VI dated 17.11.2021 and NW Sector HQ signal No. J.II.1400/2021- Legal dated 10.11.2021, the following orders are hereby issued:-*

- i) *On checking of records of this office it is noticed that the representation dated 29.06.2021 of the petitioner enclosed as (Annexure P-3) not received in this office. It will be worthwhile to mention that on perusal of this Health Card it is evident that he is case of Psychosis with un-control DM c PDR c PWD, lumber spondylitis c obesity dyslipidemia since. 2009. Despite of providing better treatment to him by the Medical Officer from time to time no any progress was noticed in his behavior. On further enquiry about his family backgrounds, his genetic factors may be the most probable cause of his Psychosis disease as per his family history and as such his medical condition cannot be attributed to*



*Govt. service. Hence, Force No. 015165251 Ex-CT/GD Talwinder Singh of this GC is not entitled for disability pension and Constant Attendant Allowance under the provisions contained in Schedule-II of CCS(EOP) Rules 1972 and accordingly he has been authorized invalidation pension correctly.*

- ii) *Disability Ex-Gratia lump sum compensation is admissible to those who are boarded out of service as a result of suffering disability while performing bonafides Govt duty as per the instructions contained in GOI, MHA OM No. 27011/54/2009-R&W dated 24.04.2011, OM No. 27011/64/2010-R&W (Part) dated 07.06.2017 read with IG (Adm) dte., Genl. CRPF New Delhi letter No. P. II. Inst/2017-18-Adm-1 (DA-2) Dtd 04.08.2017.”*

6. Aggrieved thereof, the instant writ petition has been filed.

7. Learned counsel appearing on behalf of the petitioner further argues that the respondents have failed to consider the applicable statutory provisions, particularly Rule 3-A of the Central Civil Services (Extra-Ordinary Pension) Rules, 1939, and have instead erroneously processed the petitioner's case under Rule 38 of the Central Civil Services (Pension) Rules, 1972. It is submitted that Rule 3-A of the CCS (Extra-Ordinary Pension)



Rules, 1939 provides that where a disability has arisen or has been aggravated as a direct result of incidents connected with Government service, the affected employee is entitled to the benefits available under the said Extra-Ordinary Pension Rules. Counsel further submits that the petitioner's condition—Psychosis—is a recognized disease listed under Schedule I-A, in accordance with Rule 2(4) read with Rule 3-A of the CCS (Extra-Ordinary Pension) Rules, 1939. Hence, the petitioner's case ought to have been adjudicated under the appropriate framework of the Extra-Ordinary Pension Rules rather than under the general pensionary provisions of Rule 38.

8. Learned counsel appearing on behalf of the petitioner further contends that the CCS (Extra-Ordinary Pension) Rules, 1939 also prescribes the guidelines for conceding attributability of disablement or death to government service. The operative part of the guidelines issued under the CCS (Extra-Ordinary Pension) Rules, 1939 are as under:-

*“GUIDELINES FOR CONCEDING ATTRIBUTABILITY OF  
DISABLEMENT OR DEATH TO GOVERNMENT SERVICE*

- 1. Rule 3-A covers also cases of death after discharge/invaliding from service.*
- 2. In deciding on the issue of entitlement, all the evidence (both direct and circumstantial) will be taken into account and the benefit of reasonable doubt will be given to the claimant. This benefit will be given more liberally to the claimant in field service cases.*

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5. *In respect of diseases, the following rules will be observed*

*:-*

**(a)** *Cases, in which it is established that conditions of Government service did not determine or contribute to the onset of the disease but influenced the subsequent course of the disease, will fall for acceptance on the basis of aggravation.*

**(b)** *A disease which has led to an individual's discharge or death will ordinarily be deemed to have arisen in service if no note of it was made at the time of the individual's acceptance for Government service. However, if medical opinion holds, for reasons to be stated, that the disease could not have been detected on medical examination prior to acceptance for service, the disease will not be deemed to have arisen during service.*

**(c)** *If a disease is accepted as having arisen in service, it must also be established that the conditions of Government service determined or contributed to the onset of the disease and that the conditions were due to the circumstances on duty in Government service.*

**(d)** *In considering whether a particular disease is due to Government service, it is necessary to relate the established facts, in the a etiology of the disease and of its normal development, to the effect that conditions of*



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*service, e.g., exposure, stress, climate, etc., may have had on its manifestation. Regard must also be had to the time factor (Also see Schedule I-A).”*

9. It is submitted that, in accordance with Guideline 2 referenced under Rule 3-A of the CCS (Extra-Ordinary Pension) Rules, while determining the question of entitlement, all available evidence—both direct and circumstantial—must be duly considered, and in cases of ambiguity, the benefit of reasonable doubt must be extended to the claimant. Furthermore, Guideline 5 explicitly provides that if a disease results in an individual's discharge from service or death, such disease shall ordinarily be deemed to have originated during the course of service, provided no note of the condition was recorded at the time of the individual's acceptance into Government service. In light of the above, learned counsel contends that any justification now cited by the respondents with respect to the petitioner's medical condition constitutes an afterthought and cannot be relied upon, particularly given the absence of any such medical note or observation at the time of the petitioner's induction into service. He further argues that in the absence of such a contemporaneous record, the aforesaid guidelines become operative and binding, warranting an inference in favour of the petitioner and against the respondent-authorities. The denial of benefits under the Extra-Ordinary Pension Rules, therefore, is not grounded in a correct or fair interpretation of the applicable statutory provisions.

10. Learned counsel appearing on behalf of the respondents, on the other hand, submits that while the factual aspects of the case are largely



undisputed, the primary contention pertains to the petitioner's medical condition. It is submitted that the petitioner was declared unfit for service on account of a psychiatric illness and was consequently invalidated out of service. He further states that the petitioner was diagnosed with *Psychosis with Depression* as early as in 2009, along with other co-morbidity conditions, and that he exhibited no significant improvement despite continued treatment. Based on the opinion of the Medical Board, the petitioner was placed in Medical Category S5 (P) and recommended for invalidation from service with 100% disability. The Medical Directorate, vide letter dated 08.04.2021, granted concurrence to the disability percentage as assessed by the Medical Invalidation Board (MIB). Accordingly, the petitioner was invalidated from service and has been granted the admissible pension under the Central Civil Services (Pension) Rules, 1972. Learned counsel further places reliance on the reasoning contained in the impugned order and asserts that the illness suffered by the petitioner cannot be considered as having arisen out of or attributable to any bona fide Government service. Therefore, it is contended that the petitioner is not entitled to the benefits under the Central Civil Services (Extra-Ordinary Pension) Rules.

11. I have heard the learned counsel for the respective parties and have gone through the documents appended with the present writ petition.

12. It is not in dispute that while rejecting the petitioner's representation, the respondents failed to take into account any of the provisions under the Central Civil Services (Extra-Ordinary Pension) Rules, 1939, and proceeded solely on the basis of the Central Civil Services



(Pension) Rules, 1972. The definition of ‘disease’ as provided under Rule 2, Sub-Rule (4), read with Rule 3-A of the CCS (Extra-Ordinary Pension) Rules, 1939, along with the Schedule and guidelines already referred to above, clearly lays down that if a disease listed in the Schedule is either contracted, detected, or aggravated due to the conditions of service, a presumption arises that such disease is attributable to bona fide Government service. Consequently, the employee becomes entitled to be considered for benefits under the CCS (Extra-Ordinary Pension) Rules, 1939. ‘Psychosis with depression’ is amongst the listed disease attributable to service under the Rules of 1939 and is thus assumed to be a result of or aggravated due to service. The same is hence covered under the Rules of 1939. It is further submitted that, as per the prescribed guidelines, there is an inherent presumption that a person who is inducted into service in a sound state of body and mind—and whose medical examination reveals no pre-existing defect—is presumed to have developed any subsequent disease due to service-related factors. Undeniably, no such adverse note or remark was made by the Medical Board at the time of the petitioner’s induction into service, and he was medically classified in Shape-I category on the date of his recruitment. Even assuming, purely for the sake of argument, that there existed a genetic predisposition to psychosis, the fact remains that no symptoms or traits of the condition were evident at the time of his induction. The subsequent aggravation of the disease to the point of being non-curable and unresponsive to treatment may thus be reasonably inferred to have arisen due to service conditions, as per the guidelines prescribed under the CCS (Extra-Ordinary



Pension) Rules, 1939. Therefore, the respondents' contention that the petitioner is only entitled to Invalidation Pension is not supported by a correct or complete reading of the relevant statutory provisions.

13. I also find support in my aforesaid argument from the judgment of the Hon'ble Supreme Court in the matter of '**Union of India and another Vs. Rajbir Singh**', reported as **(2015) 2 Supreme Court cases 264**. The relevant extract of the same reads thus:-

*"12. In Dharamvir Singh's case (supra) this Court took note of the provisions of the Pensions Regulations, Entitlement Rules and the General Rules of Guidance to Medical Officers to sum up the legal position emerging from the same in the following words:*

*"29.1. Disability pension to be granted to an individual who is invalided from service on account of a disability which is attributable to or aggravated by military service in non-battle casualty and is assessed at 20% or over. The question whether a disability is attributable to or aggravated by military service to be determined under the Entitlement Rules for Casualty Pensionary Awards, 1982 of Appendix II (Regulation 173).*

*29.2. A member is to be presumed in sound physical and mental condition upon entering service if there is no note or record at the time of entrance. In the event of his subsequently being discharged from service on medical*



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*grounds any deterioration in his health is to be presumed due to service [Rule 5 read with Rule 14(b)].*

*29.3. The onus of proof is not on the claimant (employee), the corollary is that onus of proof that the condition for non-entitlement is with the employer. A claimant has a right to derive benefit of any reasonable doubt and is entitled for pensionary benefit more liberally (Rule 9).*

*29.4. If a disease is accepted to have been as having arisen in service, it must also be established that the conditions of military service determined or contributed to the onset of the disease and that the conditions were due to the circumstances of duty in military service [Rule 14(c)].*

*[pic] 29.5. If no note of any disability or disease was made at the time of individual's acceptance for military service, a disease which has led to an individual's discharge or death will be deemed to have arisen in service [Rule 14(b)].*

*29.6. If medical opinion holds that the disease could not have been detected on medical examination prior to the acceptance for service and that disease will not be deemed to have arisen during service, the Medical Board is required to state the reasons [Rule 14(b)]; and*

*29.7. It is mandatory for the Medical Board to follow the guidelines laid down in Chapter II of the Guide to Medical*



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*Officers (Military Pensions), 2002 - "Entitlement: General Principles", including Paras 7, 8 and 9 as referred to above (para 27)."*

14. It is evident that even though the provisions under the Substantive Rules are different, however, they have been interpreted in the same context.

15. I also find support from the judgment dated 18.07.2023 of this Court passed in CWP-16860-2022 titled as 'Yogendra Kumar Saraswat Vs. Union of India and others', whereby the benefit of extraordinary pension has been granted to the petitioner therein after considering the Provisions of Rule 3-A of the CCS (Extraordinary Pension) Rules, 1939 and other enabling provisions. Similar view has also been followed by a Division Bench of Delhi High Court in W.P.(C) No.3227/2021 titled as 'Kuldeep Singh Vs. Director General CRPF and Ors.' decided on 07.01.2015. The relevant extract of the same reads thus:

*"17. On a perusal of the DRB, the Medical Board proceedings, as well as the Invalidation Order, we find that while the petitioner has been invalidated out of service on the basis of the DRB, no reason as to whether the disability of the petitioner is attributable to or aggravated by Service has been given. The dictum of law clearly provides that in absence of any reason recorded by the Medical Board or the Invalidation Order, the petitioner cannot be denied the grant of Disability Pension. In this regard, we may refer to Rule 2 of Guidelines for Conceding Attributability of Disablement or Death to*



*Government Service [ref. Rule 3-A (2)] of Central Civil Service (Extraordinary Pension) Rules [CCS (EOP) Rules], which is reproduced herein under:*

*“2. In deciding on the issue of entitlement, all the evidence (both direct and circumstantial) will be taken into account and the benefit of reasonable doubt will be given to the claimant. This benefit will be given more liberally to the claimant in field service cases.”*

16. For the foregoing reasons, I find that the reasons cited above by the respondent-authorities in declining the claim of the petitioner for grant of extraordinary pension to the petitioner are invalid and not based on correct interpretation and appreciation of the statutory provisions. The impugned orders passed by the respondent-authorities are accordingly **set aside**. The present petition is hereby **allowed** and the petitioner is held entitled to the benefit of extraordinary leave in terms of the CCS (Extraordinary Pension) Rules, 1939 on account of 100% disability due to Psychosis with Depression and is held that the same would be within the parameters of Rule 3-A of the CCS (Extraordinary Pension) Rules, 1939.

17. The respondent-authorities are directed to take appropriate steps with respect to release of the entitlement of the petitioner for extraordinary pension and other allowances/benefits as are admissible to him under the Rules. Let the needful be done for assessing the dues, by the respondent-authorities, within a period of 03 months of receipt of a certified copy of this order. The admissible financial benefits be released to him within a further



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period of 02 months thereafter, failing which, the petitioner shall be entitled to interest @6% per annum from the date of filing of the instant writ petition till its final disbursement.

**(VINOD S. BHARDWAJ)**  
**JUDGE**

**08.04.2025***Mangal Singh*

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No