



2025:KER:31269

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

WP(C) NO. 7528 OF 2021

PETITIONER:

HEMA PURUSHOTHAMAN
AGED 58 YEARS
W/O.L/NK P.K.PURUSHOTHAMAN, PANAGAMKUNNEL HOUSE, NEDUMKUNNAM
P.O., KOTTAYAM DISTRICT, KERALA-686542.

BY ADVS.
V.R.GOPU
SMT.URMILA.M.G

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY HOME SECRETARY, MINISTRY OF HOME AFFAIRS,
GOVERNMENT SECRETARIAT, NEW DELHI-110001.
- 2 THE DIRECTOR GENERAL,
BORDER SECURITY FORCE, C.G.O COMPLEX, LODHI ROAD, NEW DELHI-
110005.
- 3 THE OFFICER COMMANDANT,
O/O.COMMANDANT, HEADQUARTERS, 12 BATTALION, BORDER SECURITY
FORCE, SHIKAR, DERABABANANAK, GURDASPUR (PUNJAB), PIN-
143506.

BY ADV SRI.GIRISH KUMAR.V., CGC

DAYA SINDHU SREEHARI- CGC-IN CHARGE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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JUDGMENT

The petitioner is the wife of L/NK late P.K.Purushothaman. The petitioner's husband joined the Border Security Force (BSF) on 02.02.1981. The petitioner's husband came to be dismissed from service by the Summary Security Force Court (SSFC) under Section 16(b) of the Border Security Force Act, vide order dated 02.08.1999. The petitioner's husband, aggrieved by the said order of dismissal dated 02.08.1999, filed a statutory appeal before the Appellate Authority. As the petitioner's husband did not hear anything on his appeal, he filed O.P No.29270/2000 for a direction to the Appellate Authority to consider and pass appropriate orders on the statutory appeal. This Court, vide judgment dated 18.10.2000, disposed of the said Original Petition, directing the Appellate Authority to consider and pass necessary orders on the statutory appeal filed by the late husband of the petitioner. The Statutory Appeal came to be dismissed. The petitioner's late husband also addressed a letter to



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the Ministry of Home Affairs and made a representation to the Minister of Home Affairs, Union of India. The Ministry of Home Affairs addressed a letter to the petitioner stating that his appeal was considered meticulously and there was no scope for interference. These orders were never challenged by the petitioner's husband before he died on 23.09.2006. The petitioner has approached this Court in the present writ petition in the year 2021, challenging the order of dismissal and Appellate Order, which were never challenged by her husband, and claiming family pension.

2. When the petitioner's husband did not choose to challenge the order of dismissal and Appellate order, and these orders attain finality, the petitioner does not have any right to challenge those orders passed in respect of the service of her husband. The family pension cannot be given to the dependents of the employee, who was dismissed from service inasmuch as the husband of the petitioner was not getting any pension till he died. The



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family pension can only be given to dependents of the employee, who was getting the pension before his death.

3. The High Court is not a Forum to filing petitions at any point of time, whenever the person feels like approaching the Court. The strict principle of the limitation Act does not apply to the writ petitions, but the High Court is required to see that whether there has been gross delay/latches in approaching the Court or not. This writ petition has been filed after 15 years from the date when the husband of the petitioner died, challenging those orders of dismissal and Appellate Order, which were never challenged by her husband when he was alive. The petitioner did not get any right to challenge those orders.

Therefore, this writ petition is not maintainable and thus, it is dismissed on merit as well as on gross delay and latches in approaching this Court.

Sd/-

D. K. SINGH

JUDGE

AP



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APPENDIX OF WP(C) 7528/2021

PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE MR.P.K.PURUSHOTHAMAN BEFORE THE 2ND RESPONDENT DATED 01.09.1999.
- EXHIBIT P2 TRUE COPY OF THE JUDGMENT IN O.P.NO.29270/2000 DATED 18.10.2000.
- EXHIBIT P3 TRUE COPY OF THE LETTER NO.6/76/99- PET/CLO(DPL)/BSF ISSUED FROM THE OFFICE OF MINISTRY OF HOME AFFAIRS, GOVERNMENT OF INDIA DATED 07.01.2001.
- EXHIBIT P4 TRUE COPY OF THE REPRESENTATION DATED 07.02.2002 SUBMITTED BY THE LATE P.K.PURUSHOTHAMAN BEFORE THE MINISTER OF HOME AFFAIRS.
- EXHIBIT P5 TRUE COPY OF THE LETTER NO.6/76/99- PET/CLO(DPL)/BSF/644-47 DATED 16.08.2002 ISSUED FROM THE OFFICE OF MINISTRY OF HOME AFFAIRS, GOVERNMENT OF INDIA.
- EXHIBIT P6 TRUE COPY OF THE DEATH CERTIFICATE IN THE NAME OF P.K.PURUSHOTHAMAN DATED 23.09.2006.
- EXHIBIT P7 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 27.02.2017.
- EXHIBIT P8 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 15.04.2017.
- EXHIBIT P9 TRUE COPY OF THE LETTER NO.ADM/12BN/FP/17/2162-63 ISSUED BY THE 3RD RESPONDENT DATED 06.02.2017.
- EXHIBIT P10 TRUE COPY OF THE LETTER NO.ADM/12BN/FP/17/7204-07 ISSUED BY THE 3RD RESPONDENT DATED 02.05.2017.
- EXHIBIT P11 TRUE COPY OF THE LETTER NO.ADM/12BN/FP/17/17127-28 ISSUED BY THE 3RD RESPONDENT DATED 25.09.2017.