

**HIGH COURT OF TRIPURA
AGARTALA
WP(C)No.227 of 2022**

G/412418-H Rfn/GD Varinder Singh,
son of Mr. Guljar Singh, 4 Assam Rifles,
care of 99 APO, Pin-932004

.....Petitioner(s)

Versus

1. The Union of India,
represented by Secretary to the
Government of India, Ministry of Home Affairs,
North Block, New Delhi, Pin-110001

2. The Director General Assam Rifle,(Mahanideshalay)
The Directorate General Assam Rifles, Shillong, Meghalaya,
Pin-793010

3. The Inspector General (Major General) Assam Rifles(East),
care of 99 APO, Pin Code-532553

**4. The Deputy Inspector General
(Brigadier) Assam Rifles,**
Headquarters 21 sector Assam Rifles,
care of 99 APO, Pin-932421

**5. Sukhdeep Sangwan, Lieutenant General
Director General Assam Rifles,**
Directorate General Assam Rifles, Shillong-793010

6. The Commandant, 4 Assam Rifles,
care of 999 APO, Pin-932004

.....Respondent(s)

For Petitioner(s)	:	Mr. D. Sarkar, Adv.
For Respondent(s)	:	Mr. B. Majumder, CGC.
Date of Hearing &		
Judgment & Order	:	03.05.2023

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order(Oral)

Heard Mr. D. Sarkar, learned counsel appearing for the petitioner as well as Mr. B. Majumder, learned CGC appearing for the respondents.

2. By means of this writ petition the petitioner has prayed for the following reliefs :

- "a) Issue notice upon the respondents;**
- b) Call for the relevant records and inquiry report and records of Trial by GARC in connection with no.G/412418HRFN(GD) Varinder Singh of E-Coy, 4 Assam Rifles, at 10 Assam Rifles;**
- c) Admit this petition;**
- d) To set aside the order dated 25.12.2017 & 30.12.2017 passed by GARC convicting the petitioner, as the order of conviction passed in violation of principal of natural justice;**
- e) Further be pleased to set aside the order passed on 12th September, 2018 by Mr. Sukhdeep Sangwan, Lieutenant General, Director General, Assam Rifles, Shillong-793010 whereby the application for post-confirmation petition under section 139 of Assam Rifles Act, 2006 was rejected due to lack of any merits and substance;**
- f) Be pleased to direct the respondent to reinstate the petitioner in his original place of posting with all service benefits;"**

3. The petitioner has urged before this court for setting aside the order dated 12.09.2018 by Mr. Sukhdeep Sangwan, Lieutenant General, Director General, Assam Rifles, Shillong-793010 whereby the application for post-confirmation petition under Section 139 of Assam Rifles Act, 2006 was rejected due to lack of any merits and substance. The petitioner has further challenges the legality, validity and propriety of the order passed on 25.12.2017 & 30.12.2017 by the General Assam Rifles Court at 10 Assam Rifles, Serchip, Mizoram, whereby the present petitioner on conclusion of the trial, the General Assam Rifles Court found guilty of all the charges and sentenced him to suffer rigorous imprisonment for two years and six months and to be dismissed from service.

4. Having heard both sides and gone through the records this court is of the considered opinion that the order dated 25.12.2017 that is under challenge has not been contended in the writ petition and straightway the

prayer has been made to set aside the order and according to the petitioner, it is the order of termination of the services of the petitioner on the allegation that he has trespassed into a house and he has committed a rape on a lady and he was found guilty of the offence. Further, the appeal made by the petitioner through his advocate, the appellate authority who is supposed to be the Senior Officer in the Department has confirmed the said termination and the said order is under challenge. Unfortunately, the order of termination is not discussed by giving any cogent reasons as to why the same is to be set aside.

At the end of the argument, learned counsel appearing for the petitioner has submitted before this court that the copy of the termination order has not been supplied to him despite his request.

5. In view of the same, the respondents are directed to make available a copy of the termination order, if not served under proper acknowledgment.

With the above observation, the present writ petition stands dismissed.

However, liberty is given to the petitioner, in the event, if the petitioner is aggrieved, he can avail remedies under law.

JUDGE