

GAHC010160532021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5462/2021

UID NO. 12140313 CT/GD SHIBU M
S/O- SRI MOHAN P, R/O- VILL- NELLIVILA PUTHER VEDU
KIZAKHUMKARA, P.O. MACHEL, P.S. MALYENKEEZHU, DIST.-
THIRUVANTHAPURAM, KERELA, PIN- 695571

VERSUS

THE UNION OF INDIA AND 6 ORS.
REP. BY THE SECY. TO THE MINISTRY OF HOME AFFAIRS, GOVT. OF
INDIA, NEW DELHI- 110001

2:THE DIRECTOR GENERAL
SASHATRA SEEMA BAL
FORCE HEADQUARTERS
EAST BLOCK-V
RK PURAM
NEW DELHI- 110066

3:THE INSPECTOR GENERAL
FRONTIER HEADQUARTERS
SSB
GHY
NIKITA COMPLEX-345
G.S.ROAD
KHANAPARA
RESEARCH GATE
GHY-22

4:THE COMMANDANT
54TH BN SSB
BIJNI
ASSAM

5:THE ADJUTANT
54TH BN SSB
BIJNI
ASSAM

6:THE DY. COMMANDANT (GD)
54TH BN SSB
BIJNI
ASSAM

7:VRINDA S.V.
W/O- SRI SHIBU M
R/O- VILL- VAZHAVILA VEEDU
AMMANOORKKONAM
P.O. NARUVAMOODU
DIST.- THIRUVANTHAPURAM
KERELA
PIN- 79557

For the Petitioner : Mr. Dipankar Prasad Borah, Advocate.
Mr. Uttam Ghosh, Advocate.

For the Respondents : Ms. A. Gayan, Asstt. S.G.I.
Mrs. R. Choudhury, Amicus Curiae.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH
ORDER

02.08.2023

The instant writ petition has been filed challenging the order dated 22.05.2021 whereby in terms with Section 61 (2) (i) of SSB Act, 2007 read with Rule 181 (1) (i) of SSB Rule, 2009, the Commandant 27th Battalion, SSB, Howly who also exercised the statutory power of the 54th Battalion, SSB, Bijni had accorded approval to deduct an amount of Rs.10,000/- from the regular salary of the Petitioner being the family maintenance allowances to his wife from the month of May, 2021 till the outcome of the Court case.

2. Mr. D.P. Borah, the learned counsel appearing on behalf of the Petitioner

submits that pursuant to the said order dated 22.05.2021, the Petitioner had submitted a representation on 28.05.2021. On the basis of the said representation, a One Man Court of Inquiry was appointed for the purpose of reconsidering the appropriate maintenance amount to the wife of the Petitioner keeping in mind her requirement while a lady is living in a city. The learned counsel appearing on behalf of the Petitioner submits that he would not like to press the instant writ petition on merits as regards the legality and validity of the order dated 22/5/2021. He however submits that a direction may be issued to the Respondent Authorities to conclude the One Man Court of Inquiry proceedings within a time frame. The learned counsels appearing on behalf the Respondents have no objection to the same.

3. Taking into account the above, this Court is also of the opinion that as the matter is already before a One Man Court of Inquiry which has the power and authority to decide and adjudicate the questions of fact, it would be in the interest of justice that the said One Man Court of Inquiry take a decision pursuant to the Convening Order dated 17.06.2021. Accordingly, the instant writ petition therefore stands closed with a direction to the Respondent No. 4 to take appropriate steps for conclusion of the One Man Court of Inquiry in terms with the Convening Order dated 17.06.2021.

4. The said proceedings be concluded as expeditiously as possible and preferably within 3(three) months from the date a certified copy of this order is served upon the Respondent No. 4.

5. This Court expresses gratitude to Mrs. R. Choudhury, the learned counsel who as Amicus Curiae aided to the disposal of the instant writ petition. A copy of this order be furnished by the Registry to Mrs. R. Choudhury, for her records.

JUDGE

Comparing Assistant