

GAHC010055732024



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

Case No. : WP(C)/1565/2024

RAFIKUL ISLAM
S/O- ABUAL MAZID, R/O- SIMLABARI, P.O. FUTKIBARI, P.S. BILASIPARA,
DISTRICT- DHUBRI, ASSAM, PIN- 783345

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF HOME AFFAIRS,
NORTH BLOCK, CENTRAL SECRETARIAT, NEW DELHI- 110001

2:THE DIRECTOR GENERAL OF BORDER SECURITY FORCE
BLOCK 10
5TH FLOOR GO COMPLEX
LODI ROAD
NEW DELHI- 110003

3:THE INSPECTOR GENERAL OF BORDER SECURITY FORCE
FRONTIER
HEAD QUARTER NORTH BENGAL
DARJEELING
WEST BENGAL
PIN- 734011

4:THE DEPUTY INSPECTOR GENERAL
BORDER SECURITY FORCE
SECTOR HEAD QUARTER
KISHANGANJ
BIHAR
PIN- 8551074

5:THE COMMANDANT
175 BN BORDER SECURITY FORCE

KHAGRA CAMP
KISHANGANJ
BIHAR
PIN- 855107

6:THE ASSISTANT COMMANDANT (MIN)
KHAGRA CAMP
KISHANGANJ
BIHAR
PIN- 85510

Advocate for the Petitioner : MR. J AHMED

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 20.03.2024

Heard Mr. J. Ahmed, learned counsel for the petitioner. Also heard Mr. K. Gogoi, learned CGC appearing on behalf of all the respondents.

2. The petitioner while serving as Constable (GD) was issued a show cause notice on 01.03.2023 on the basis of a complaint dated 12.02.2020 made by the wife of the petitioner alleging that the petitioner has contracted a second marriage with another lady during the subsistence of the first marriage. Thereafter, a Court of enquiry was conducted and on culmination of the Court of enquiry, the Disciplinary Authority issued order dated 25th of May, 2023 by which the petitioner was retired from service with immediate effect.

3. Being aggrieved with the order dated 25th of May, 2023 the petitioner filed

an appeal before the Inspector General, Frontier Head Quarter, BSF, North Bengal under Section 117(2) of the BSF Act, 1964 on 12.09.2023. As the appeal was not disposed of, the petitioner made a reminder on 29.01.2024. However, the appeal filed by the petitioner on 12.09.2023 is yet to be disposed of till date.

4. Accordingly this writ petition is disposed of directing the appellate authority to dispose of the appeal dated 12.09.2023, within a period of 1(one) month from the date of receipt of a copy of the order of this Court.

5. Liberty is granted to the petitioner to approach this Court if further aggrieved by any orders made by the appellate authority.

6. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant