

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

Through Virtual Mode

**WP(C) 2758/2025
CM(7313/2025) CM(8039/2025)**

Vipin Kumar

... Petitioner(s)

Through: -
Mr. Danish Majeed, Advocate
Ms. Ahra Syeed, Advocate.

V/s

Union of India & Ors.

... Respondent(s)

Through: -
Mr. Fiazan Ahmad Bhat, CGC vice
Mr. T. M. Shamsi, DSGI.

CORAM: HON'BLE MR JUSTICE M. A. CHOWDHARY, JUDGE.

(ORDER)
09.12.2025

CM No. 8039/2025;

1. This application has been moved by the applicant/ petitioner seeking rectification of inadvertent typographical errors in the affidavit filed pursuant to order dated 18.11.2025 passed in WP(C) No. 2758/2025.
2. For the reasons assigned in the application and those urged at the Bar, the application is **allowed** with the necessary corrections as indicated in the application.
3. Application is thus, **disposed** of.

WP(C) No. 2758/2025;

4. This petition has been moved by the petitioner-Vipin Kumar, serving as Assistant Commandant (Works) in the respondent-Border Security Force (BSF), seeking a direction upon the respondents, thereby

commanding them to reconsider afresh and sanction the petitioner's leave application dated 27.09.2025 for grant of twenty-nine (29) days' earned leave, strictly in accordance with applicable rules, so as to enable him to attend to and provide necessary care to his ailing mother.

5. Response by way of an affidavit was filed by Mr. Anil Kumar Sinha, Deputy Inspector General/Principal Staff Officer, Frontier Headquarters, Border Security Force, Kashmir, stating therein that the petitioner has availed two (02) days' earned leave and one(01) RH with effect from 16.04.2025 to 17.04.2025 with suffix as admissible and thirty (30) days' earned leave with effect from 13.05.2025 to 11.06.2025 with prefix/suffix as admissible and also two (02) days' earned leave with effect from 03.07.2025 to 04.07.2025 with suffix as admissible. It is further stated in the affidavit that the petitioner is not entitled for any relief, as sought in the instant petition.
6. With the consensus of the learned counsel for both the sides, the case is taken up for consideration and disposed of at this stage.
7. Learned counsel for the petitioner submits that the petitioner has been denied leave by the respondent-Deputy Inspector General (DIG), SHQ, BSF, Baramulla, vide communication dated 03.11.2025, rejecting his application for leave, though his mother is stated to be seriously ill with a chronic disease.
8. The learned counsel appearing for the respondents submits that since the petitioner has been facing Court of Enquiry, as such, after availing of the leaves, as aforesaid, he is not entitled to be given further leave, particularly in view of the pending enquiry against him.
9. Learned counsel for the petitioner has drawn attention of this Court towards an order dated 14th of November, 2025 passed in a Writ Petition filed by the Petitioner bearing WP(C) 2814/2025, whereby, the Record of Enquiry has been stayed by this Court.
10. The leave for a period of 29 days, as applied by the petitioner was denied for the reasons that he had availed admissible leaves and that

he was facing a Court of Inquiry (CoI). The leave account of the petitioner for the current year may have been exhausted and in the year 2026, he shall have new account of leaves. Moreover, his Record of Evidence (RoE) having been stayed, it would be proper on the part of the competent authority to consider the plea for grant of leave in favour of the petitioner, afresh.

11. Having regard to the facts and circumstances of the case, as stated hereinabove, no further proceedings are required to be carried out in this petition, and as having been consensually agreed upon by the learned counsel for both the sides, the petitioner is allowed with a direction to the competent authority of the respondents to consider the grant of leave as admissible to him, as per the rules governing the subject within a period of 15 days from the date a certified copy of this order is produced before the competent authority.
12. The writ petition is thus, *disposed of*, in the above terms along with connected application (s).

(M. A. CHOWDHARY)
JUDGE

SRINAGAR
December 09th 2025
Shoaib Javid