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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7575/2014

EX-CT/GD SURESH KUMAR

..... Petitioner

Represented by: None

versus

UNION OF INDIA & ORS.

..... Respondents

Represented by: Mr.Bhagvan Swarup Shukla,
CGSC with Mr.Vinod Kumar
Tiwari, Advocate

+ W.P.(C) 7630/2014

EX-CT/COOK SHISHPAL SINGH

..... Petitioner

Represented by: None

versus

UNION OF INDIA & ORS.

..... Respondents

Represented by: Mr.Bhagvan Swarup Shukla,
CGSC with Mr.Vinod Kumar
Tiwari, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG
HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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09.01.2015

1. None has appeared for the petitioners at the hearing today and on a perusal of the writ petitions we find that the counsel has totally misunderstood the law on the subject.
2. Both the petitioners are governed by Sashastra Seema Bal Act, 2007 and Sashastra Seema Bal Rules, 2009.

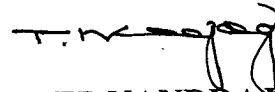
W.P.(C) Nos. 7575/2014 & 7630/2014

Page 1 of 3

3. Both have been tried, convicted and punished at a trial before the Force Court.
4. Chapter VII of SSB Rules, 2009 commencing from Rule 44 onwards till Rule 65 deals with the investigation and summary disposal of the cases. Chapter VIII and IX commencing from Rule 68 onwards and till Rule 108 concerns procedures to be followed for charges and trial before the General and Petty Force Courts.
5. Pithily stated, if it is alleged against a person governed by the Act that an actionable wrong has been committed, the Competent Authority considers whether a case is made out to proceed further and if the opinion is that the matter warrants an investigation a record of evidence or an abstract of evidence is required to be prepared. Thereafter the Competent Authority considers the record or abstract of evidence and takes a decision whether trial is warranted and if yes before a General Force Court or a Petty Force Court.
6. The two writ petitions have been drafted as if record of evidence proceedings amounted to a de novo inquiry. There is a reference to Court proceedings being conducted. But on what basis the Court proceedings are vitiated have not been pleaded. Pleadings are replete with reference to CCS(CCA) Rules, 1965, which have no application in the instant case at all.
7. Lest writ petitioners are prejudiced, while dismissing the writ petitions as being totally misconceived and filed in ignorance of law and hence disclosing no actionable claim, we grant liberty to the writ petitioners to file fresh petitions challenging their conviction at the trial and would simply guide them that if they intend to challenge the penalties imposed

upon them they should ensure that their counsel understand the SSB Rules, 2009 and in particular Chapter VII, VIII & IX thereof.

8. No costs.



PRADEEP NANDRAJOG, J.



PRATIBHA RANI, J.

JANUARY 09, 2015/pg