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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No. 287 of 2004 (O/M)

Date of decision : 27.4.2016

Rajiv Kumar Ojha through LRs

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Natash Munjal, Advocate, for,
Mr. M.K. Dogra, Advocate, for the petitioner.

Mr. K.K. Chahal, Advocate, for respondents No. 1 to 5.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

The petitioner was convicted by the Summary Security Force Court Trial, held from 5.2.2003 to 7.2.2003 under Sections 30(b) and 30(f) of BSF Act and was sentenced to undergo rigorous imprisonment for six months in civil prison and ordered to be dismissed from service, vide order dated 7.2.2003. In appeal, the sentence was reduced from six months to four months. Vide order dated 3.4.2003 (Annexure-P-6), passed by the Commandant (SHQ) SHQ BSF FZR (PB), recovery of Rs. 12,603-22 with penal interest at the rate of 2% over and above GPF interest was also ordered to recovered from the petitioner. The statutory petition filed against

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conviction was dismissed by the Director General, Border Security Force, vide order dated 11.10.2003, passed by the DIG/CLO (D and L).

It comes out that the allegations against the petitioner (now deceased) through his LRs, namely, Rajiv Kumar Ojha were that he was the Incharge of the BSF Gas Agency at Ferozepur, from where 75 gas cylinders were found missing. The charges were proved against the petitioner during inquiry and summary trial, in which he was held guilty.

After going through the file, there is no explanation as to why and for what reasons, 75 gas cylinders were found short during audit.

There is no illegality or infirmity in the impugned orders. Therefore, the present criminal writ petition is dismissed.

(KULDIP SINGH)
JUDGE

27.4.2016
sjks