

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.23336 of 2011 (O&M)

Date of Decision:21.11.2016

Satish Kumar

... Appellant

Vs.

Union of India and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Rajeev Anand, Advocate for the petitioner.

Mr. H.S. Baidwan, Advocate for the respondents.

P.B. BAJANTHRI J.

The petitioner has questioned the validity of the order dated 19.10.2009 (Annexure P-13) by which he has been dismissed from service. Therefore, he preferred an appeal before the appellate authority. On 25.5.2010, the appellate authority confirmed the order of the disciplinary authority. The petitioner while working in Border Security Force (for short "BSF") Headquarters Jalandhar was transferred to 120 Battalion Mizoram and was directed to report on or before 27.8.2008. On 26.8.2008, he has submitted leave application and remained unauthorized absent from 28.8.2008 to 19.10.2009 for about 418 days. For remaining unauthorized absent, he was subjected to inquiry. The same was concluded in imposing the punishment of dismissal from service and treated the absent period as "DIES NON" by the Commandant 120 BN BSF Mizoram.

In view of the order passed by the Commandant 120 BN BSF Mizoram, this Court has no jurisdiction to entertain this writ petition.

Therefore, on the ground of territorial jurisdiction, the writ petition is

dismissed reserving liberty to the petitioner to approach the appropriate court.

The present petition is pending consideration since 2011, delay in filing writ petition may be a hurdle. Therefore, appropriate court may consider question of delay sympathetically.

21.11.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**