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

+ W.P.(C) 10584/2015

SHISHPAL SINGH

..... Petitioner

Represented by: Ms.Shriambhra Kashyap,
Advocate for Mr.M.K.
Bhardwaj, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Represented by: Mr.Manish Mohan, Advocate
with Mr.Jitender Kumar
Tripathi, Ms.Manisha Saroha
and Mr.Shivam Chanana,
Advocates.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

22.07.2016

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1. The petitioner is an enrolled member of the Sashastra Seema Bal. The Sashastra Seema Bal Act, 2007 contemplates disciplinary action to be taken in the manner prescribed, and pithily put, if a cognizable offence is reported the Commandant of the Unit concerned direct record of evidence to be prepared at which witnesses are examined with opportunity granted to the delinquent to cross examine the same. The delinquent can make a statement in defence and examine defence witnesses. This record is then placed before the Commandant who on perusal thereof takes a decision whether a case is made out to try the delinquent at a Summary Force Court. If decision taken

is that in view of the evidence emerging at the record of evidence the delinquent needs to be tried at Summary Force Court, chargesheet is drawn up. It is served upon the delinquent. Arraignment takes place. Trial commences.

2. The appellate order dated July 02, 2014 brings up that the petitioner was highly confused regarding the application of The SSB Act, 2007. The appeal was if CCS (CCA) Rules, 1965 applied. The cacophony continues in the writ petition.

3. The order dated February 18, 2016 records that the petitioner intends to file an additional affidavit. The matter was placed before the learned Registrar for the petitioner to file the additional affidavit with the documents. The order has not been complied with till date.

4. It is useless to continue with the matter because the entire writ petition is misdirected. We accordingly permit learned counsel for the petitioner to withdraw the writ petition with right reserved to file a fresh petition laying a challenge to the impugned order but keeping in view the fact that the petitioner was governed by SSB Act, 2007 and the rules framed thereunder in the year 2009. It is a case where a trial took place and was preceded by recording of the evidence.

5. No costs.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

JULY 22, 2016

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