

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.723 of 2017
IN
Civil Writ Jurisdiction Case No. 6649 of 2016**

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Chandan Krishna Pandey, Son of Vinay Kumar Pandey, Resident of village & P.O.
Kobil, P.S. Islampur, Distt. - Nalanda

.... Appellant/s

Versus

1. The Union of India
2. The Director General, Border Security Force, Ministry of Home Affairs, Govt.
of India, New Delhi
3. The Inspector General, H. Qrs. Rajasthan Forntier Zodhpur, Rajasthan
4. Deputy Commandant, Appointment, H. Qrs. Rajasthan Frontier Zodhpur,
Rajasthan
5. The Director General, Central Industrial Security Force, Block No. 13, C.G.O.
Complex Lodhi Road, New Delhi - 110003

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kulanand Jha, Advocate
Mr. Nagendra Kumar,
Mr. Alok Kumar Choudhary, Advocates

For the UOI : Mr. S.D Sanjay (Addl. Soc. Gen.)
Mr. Rajesh Kumar Verma, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-07-2017

Taking note of the fact that the respondents, after the first order passed by this Court on 27.1.2016 in CWJC No. 10681 of 2015, have refused to exercise discretionary power under Rule 88 of the Central Civil Services (Pension) Rules, 1972, now this Court cannot issue mandamus or ask the respondents to exercise discretionary power in a particular manner and to that extent the writ Court has not



committed any error in dismissing the writ petition.

However, in case by virtue of judgment rendered by the Delhi High Court in the case of Dr. (MRS.) Radhika Bahl Vs. Union of India and another, if the petitioner thinks that he has any right to seek exercise of discretionary power, the petitioner is free to represent the matter in the Department and it would be the Department to consider the matter in accordance with law.

With the aforesaid observations and liberty to the petitioner, we dispose of the appeal.

It is made clear that we have not expressed our opinion on the merit of the matter.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

S.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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