

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

COCP No. 1319 of 2016 (O&M)

Date of Decision: 10.03.2017

Kamal Kumar

..... Petitioner

Versus

Sh. K.K. Sharma, Director General, Border Security Force,
New Delhi and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Himanshu Monga, Advocate for
Mr. Arun Bansal, Advocate
for the petitioner.

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

JASWANT SINGH, J. (ORAL)

Petitioner-Kamal Kumar was promoted as Head Constable vide order dated 14.12.2001, after the Government of India had accepted the proposal of Border Security Force (BSF) to relax the condition of physical fitness in cases of personnel, who had suffered injuries while undertaking operations. Concededly, the petitioner had suffered amputation below the knee on account of bullet injuries suffered while fighting against militants. Subsequently in the year 2006, the Ministry of Home Affairs restricted the benefit of relaxation only to the officers cadre and not to other ranks resulting into passing of the order dated 19.08.2006 withdrawing the benefits from the petitioner.

The petitioner, then, filed CWP No. 5980 of 2007 impugning the aforesaid order dated 19.08.2006 reverting him from the post to that of Constable, as also directing the respondents to expedite the payments due to him. The said petition was disposed of vide order dated 30.03.2015 **(Annexure P-1)** directing the respondents to consider the petitioner as Head Constable from the date of his initial promotion i.e. 14.12.2001 till his date of retirement on superannuation and pay the admissible benefits alongwith its arrears.

Upon notice, a reply by way of affidavit dated 13.07.2016 on behalf of the respondents has been filed, wherein it is stated that the rank of the petitioner as Head Constable has been restored and all the admissible benefits have since been paid to him and the order dated 30.03.2015 **(P-1)** has been fully complied.

In view of the stand of the respondents, no further action in the present contempt petition is warranted, therefore, the same stands disposed of as infructuous.

However, the authorities are bound by their stand in the aforesaid affidavit.

March 10, 2017

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**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No