

\$~35

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

+ **W.P.(C) 9096/2019**

VISHAL KUMAR PANDEY Petitioner

Through: Mr. Samrendra Kumar, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through Mr. Virender Pratap Singh Charak and
Ms. Shubhra Parashar and Mr.
Pushpender Singh Charak, Advocates

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

%

23.10.2019

1. The Petitioner who at the time of filing the present petition was serving as a Sub-Inspector attached to the 118 Battalion of the Border Security Force (BSF) complained that Respondent No. 3 i.e. Commandant of 118 Bn. BSF had placed him in quarter guard (force jail) on 2nd February 2019, snatched his mobile phone on that day, and had not released his salary for the months of July, October, November, December 2018 and January 2019.

2. While directing notice to issue in the petition on 23rd August 2019, this Court directed that the Respondents should pay the current as well as the arrears of

salary.

3. Today when the case was called out, learned counsel for the Respondent produced before the Court a document giving details of the pay and allowances paid to the Petitioner since January 2018. It appears that for the period October 2018 to January 2019, he was absent without leave (AWL) between 20th October 2018 and 23rd January 2019 and his pay for that period was kept in UD. On joining the unit on 23rd January 2019, the pay for the remaining of the period was released to him through CBS on 20th February 2019. The remaining amount was deposited with the government treasury.

4. As regards the salary and allowances for the months of August and September 2019 it is stated that the Petitioner deserted with effect from 20th August 2019 while the unit was moving from Jalalabad in Punjab to Tangdhar, LOC, Kupwara and has not reported for duty since. Consequently, he was not paid salary for this period. As regards the mobile phone, the Court was informed that it was required for some investigation and will be returned soon after the investigation is completed.

5. The Court took a serious view of the conduct of the Petitioner in deserting his Unit. He was asked if he was prepared to undertake to join his Unit by a certain date in the immediate future. He declined to do so.

6. The Court fails to appreciate how a person who expects to be part of a para-

military force can stay away from duty for over two months and not be visited with consequences.

7. The Court is not satisfied with the bona fides of the petition. It is accordingly dismissed.

S. MURALIDHAR, J.

TALWANT SINGH, J.

OCTOBER 23, 2019/mw