

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2498 of 2020

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Badal Kumar, S/o Ram Prasad, Resident of Village-Khutaha, P.S. Lodhipur,
District-Bahgalpur.

... .. Petitioner

Versus

1. The Union of India through its Secretary of Home Ministry, New Delhi.
2. The Director General, Border Security Force, New Delhi.
3. The Inspector General Gwahati Frontier Head Quarter.
4. The Commandant 192 BN B.S.F., A.P.O. Jammu and Kashmir.
5. State Zonal Office of B.S.F Camp Samphthchak, Patna, Bihar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar
For the Respondent/s : Mr.S. D. Sanjay (Adsg)
Mr. R.K.Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 26-02-2020 Heard learned Counsel for the petitioner and the learned
Counsel for the respondent Union of India.

The petitioner was serving in the respondent Border Security Force. He was granted leave for a period of thirty days with effect from 16.3.2017 to 14.4.2017. The leave was qualified with a direction to rejoin duty on 14.4.2017. The petitioner did not rejoin the Force after availing the leave. The Unit representative along with the police visited the petitioner's home roughly three months later on 17.7.2017 when the petitioner gave in writing that he will rejoin duty within three days. Again he did not join the Force. Show cause notice was issued to the petitioner on 4.8.2017 to submit his response against the overstayal within thirty days. The show cause was delivered through the Unit Sipoy on 22.9.2017. Again the petitioner gave an assurance that he will rejoin on 25.9.2017 which he did not do. The petitioner thereafter has neither submitted his show cause nor appeared before the authorities.



The aforesaid conduct of the petitioner speaks volumes for his duty towards service in Paramilitary Force where discipline, dedication and commitment are paramount. In the circumstances, the petitioner's name was struck off from the strength of the Unit with effect from 23.10.2017. The total period of absence of 192 days was directed to be treated as "dies non". Such order came to be passed by the Commandant on 23.10.2017.

It appears that subsequently an unsigned representation has been made by the petitioner, which has been disposed of by the Inspector General under order dated 13.9.2019. It is in this representation that the petitioner has raised the issue regarding his being suffering from jaundice in support of his absence of 192 days.

In the writ petition, however, on the contrary he has raised various other issue in a desperate attempt to justify his absence. The pleadings to this effect in paragraph 7 of the writ petition are being reproduced:-

"It is further stated that he was suffering from Jaundice since long and his father died he is elder son of him family and after death father widow mother is continuously fell ill so that petitioner is badly disturbed in family problem and he could think properly what to do or not petitioner said in the representation that kindly give him chance to join in service he is loyal and good patriot and ready to protect the country as soldier with un turned afford petitioner is very poor of family status and whose family facing starvation and deprived."

No procedural infirmity has been alleged by the petitioner in respect of the proceedings. Admittedly he has chosen not to participate in the proceedings after absenting himself for 192 days. Apart from that the petitioner lacks requisite dedication, commitment and discipline which is manifest from his casual approach to his employment. No legally sustainable grounds have been urged in support of the petitioner's prayer for reinstatement.



The writ petition is devoid of merit. The same is
dismissed.

(Madhuresh Prasad, J)

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