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

+ **W.P.(C) 9878/2020**

PRAMOD KUMAR SINGH Petitioner

Through: Mr. Paritosh Sharma, Adv.

Versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Dev P. Bhardwaj, Adv. with
Deputy Commandant Sahil Sharma,
Law Officer, BSF.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **07.12.2020**

[VIA VIDEO CONFERENCING]

1. The petitioner, a Sub-Inspector (Ministerial/Clerk) in the respondents Border Security Force (BSF) and posted with effect from 24th December, 2019 at Chakur, Maharashtra, has filed this petition impugning the orders dated 29th September, 2020 and 3rd October, 2020 attaching him to Gandhi Nagar, Gujarat and seeking a mandamus to the respondents BSF to not consider the case of the respondent no.5 Sandeep Rawat, Commandant (Training) Chakur, Maharashtra for promotion, till the finalization of the enquiry on the complaint dated 23rd May, 2020 made by the petitioner against the respondent no.5 Sandeep Rawat.
2. The contention of the petitioner, as could be made out by us from the petition, is that though attachment to another unit should have been of respondent no.5 against whom the petitioner had made the complaint dated 23rd May, 2020, the petitioner, inspite of being the complainant, has been attached to another unit i.e. at Gandhi Nagar, Gujarat.

3. Before Mr. Paritosh Sharma, Advocate for the petitioner logged in, we enquired from the counsel for the respondents BSF along with Deputy Commandant Sahil Sharma, Law Officer of the respondents BSF appearing on advance notice, why the petitioner as complainant is being moved out to a different unit and why not the attachment, if any deemed necessary, should be of respondent no.5.

4. Deputy Commandant Sahil Sharma, Law Officer of the respondents BSF states that the complaint dated 23rd May, 2020 of the petitioner against the respondent no.5 Sandeep Rawat was enquired into and was found false and now disciplinary proceedings have been initiated against the petitioner for making a false complaint. It is stated that the petitioner appeared before the Commandant of 63 Battalion at Gandhi Nagar, Gujarat in respect of the enquiry. The counsel for the respondents BSF states that the petitioner has already joined at Gandhi Nagar, Gujarat.

5. The petition is dated 9th October, 2020 and the affidavit of the petitioner accompanying the petition is also affirmed on the said date.

6. Though we have asked Mr. Paritosh Sharma, Advocate for the petitioner with respect to the aforesaid but he does not appear to be aware thereof and continues to state that the petitioner is a whistle blower and is being penalized therefor.

7. However as per the respondents BSF, the whistle blown by the petitioner was investigated and found to be unnecessary and a false alarm and now it is the petitioner who is facing the enquiry for making false allegations. It is stated by the counsel for the respondents BSF that the petitioner has been attached, so as to eliminate the possibility of the petitioner suffering any prejudice at the hands of the respondent no.5

Sandeep Rawat who continues to be at Chakur, Maharashtra. It is also stated that the enquiry against the petitioner is also being held at Gandhi Nagar, Gujarat.

8. The petitioner is not found entitled to any of the reliefs claimed.
9. Dismissed.

RAJIV SAHAI ENDLAW, J

ASHA MENON, J

DECEMBER 7, 2020
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