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

+ **W.P.(C) 13450/2021**

JAGDEESH PRAJAPATI Petitioner
Through **Mr.Abhay Kumar Bhargava,**
Advocate.
versus

UNION OF INDIA AND ORS. Respondents
Through **Mr.S.K.Tyagi with Mr.Ridhima Gaur,**
Advocates.
Mr.Hemendra Singh, Deputy
Commandant (Law).

% Date of Decision: 29th November, 2021

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MR. JUSTICE NAVIN CHAWLA

MANMOHAN, J. (Oral)

1. Present writ petition has been filed seeking directions to the Respondents to adjudicate upon the Petitioner's statutory petition dated 17th August 2021 preferred under Section 117 (2) of the BSF Act against the dismissal order dated 28th July 2021. Petitioner also seeks adjudication of his application dated 13th August 2021 preferred under Rule 129 of the BSF Rules for supply of documents of the Summary Security Force Court proceedings that took place on 28th July 2021.

2. Learned counsel for the Petitioner states that vide order dated 06th July 2021, a Record of Evidence was ordered against the Petitioner on charges under sections 16 (c), 16 (d), 26 and 20 (c) of the BSF Act 1968, and subsequently, a Summary Security Force Court assembled on 28th July 2021, wherein the Petitioner was found guilty and dismissed from service.

3. He states that the conviction order dated 28th July 2021 is not subject to confirmation as stipulated under Section 114 of the BSF Act 1968 and therefore the Petitioner is entitled to a copy of the SSFC proceeding under Section 129 of the BSF Rules.

4. Issue notice. Mr.S.K.Tyagi, Advocate accepts notice on behalf of the Respondents. He states that Respondent nos.2 & 3 have no objection to supply of documents of the Summary Security Force Court proceedings. He, however, states that the application dated 13th August, 2021 allegedly filed by the Petitioner was not signed by the Petitioner. He states that the said fact was pointed out by the Respondents vide letter dated 16th September, 2021, to the petitioner.

5. Since the present writ petition is duly supported by an affidavit, this Court disposes of the same by directing the Respondents to supply the documents dated 28th July, 2021 of Summary Security Force Court proceedings, within four weeks. The Respondents are also directed to decide the Petitioner's statutory petition dated 17th August, 2021 preferred under Section 117 (2) of the BSF Act, as expeditiously as possible, preferably within twelve weeks in accordance with law. This Court clarifies that it has not commented on the merit of the controversy. The rights and contentions of all the parties are left open.

MANMOHAN, J

NAVIN CHAWLA, J

NOVEMBER 29, 2021 KA