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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.561 OF 2014

K.Mani
S/o.Krishnan

... Petitioner

.Vs.

1. The Inspector General,
Border Security Force,
Frontier Headquarters,
Agartala, Tirupura State.

2. The Commandant,
HR, 59 Battalion,
Border Security Force,
Fatikchera, Tirpur,
Tripura State.

3. The Deputy Inspector General,
Sector HQ BSFI/Nagar,
Miran Sahib (Jamuna),
Pin - 181 101.

... Respondents

PRAYER:-

Writ Petition filed Under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records of the second respondent the order of the No.Estt/59BN/Dis.Km/2007/10454-60 dated 13.10.2007, to quash the same and to issue consequential directions to the Respondents to reinstate the petitioner in service.

For Petitioner : Mr.S.Balakrishnan
For Mr.M.Ravi

For Respondents : Dr.D.Simon
Central Government
Standing Counsel



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O R D E R

The writ on hand has been filed questioning the validity of the order of dismissal from service issued by the Commandant 59 BN BSF.

2. In view of the fact that the petitioner was working in the Border Security Force as Constable, he has to approach the Armed Forces Tribunal and thus, no writ is entertainable before the High Court. Thus, the petitioner is at liberty to approach the Armed Forces Tribunal and in the event of such approach, the period during which the writ petition is pending before this Court is to be taken into consideration for the purpose of condoning the delay and issues are to be decided on merits and in accordance with law.

3. With this liberty, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gm/nti

To

1. The Inspector General,
Border Security Force,
Frontier Headquarters,
Agartala, Tirupura State.
2. The Commandant,
HR, 59 Battalion,
Border Security Force,
Fatikchera, Tirpur,
Tripura State.
3. The Deputy Inspector General,
Sector HQ BSFI/Nagar,
Miran Sahib (Jamuna),
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+1cc to Mr.M.Ravi, Advocate, S.R.No.32396

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JPL(CO)
PBS/16/06/2022