

CWP No.11284 of 2022 (O&M)
Date of Decision: 24.05.2022

Savara Sakuntala

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWATPresent: Mr. Nikhil Anand, Advocate
for the petitioner.**RAJBIR SEHRAWAT, J. (ORAL)**

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of Certiorari for quashing the order dated 26.06.2021 (Annexure P-7), vide which the petitioner has been dismissed from service without complying with the provisions contained in Rule 22 of BSF Rules, 1969 and to quash the show cause notice dated 17.05.2021 (Annexure P-4) issued to the petitioner under Rule 22 of BSF Rules, 1969. It is further prayed that the respondents be directed to consider the case of the petitioner and take the final decision on the representation of the petitioner dated 19.09.2021 (Annexure P-9) by passing a well reasoned speaking order within a time bound frame.

At the outset, counsel for the petitioner submits that, at this stage, the petitioner would be satisfied if the respondents take a conscious decision on the representation of the petitioner dated 19.09.2021 (Annexure P-9) and pass a speaking order thereon, within a time bound frame.

Notice of motion.

Mr. Anita Balyan, Advocate, Senior Panel Counsel for UOI, accepts notice on behalf of the respondents. Even counsel for the respondents is not averse to the expeditious disposal of the claim of the petitioner.

In view of the above, the present petition is disposed of with a direction to respondent No.4 to decide the representation of the petitioner dated 19.09.2021 (Annexure P-9) and take a conscious decision thereon by passing a speaking order; within a period of three months from the date of receipt of the certified copy of this order.

It is further ordered that if the petitioner is found entitled to any pecuniary benefits upon such a conscious decision; then the said pecuniary benefits shall also be released to the petitioner within a further period of three months; from the date of such conscious decision of the authorities.

(RAJBIR SEHRAWAT)
JUDGE

24.05.2022
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Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No