



\$~5

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: July 15, 2022

+ W.P.(C) 9014/2022

KRISHAN KUMAR YADAV Petitioner

Through: Mr. B.K. Pandey, Advocate

versus

THE UNION OF INDIA AND ORS Respondents

Through: Mr. Naginder Benipal, Sr. Panel
Counsel with Ms. Rupali Kapoor,
GP, Mr. Abhijeet Vikram Singh and
Mr. Ankit Siwach, Advocates

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)**CM APPL. 27160/2022 (exemption)**

1. Allowed subject to all just exceptions.

W.P.(C) 9014/2022

2. Vide the present petition, the petitioner is seeking quashing of dismissal order dated 13.06.2019 and appeal order dated 21.09.2020 and directions to respondents to start pension of the petitioner by providing all dues, arrears and benefits.

3. It is admitted fact that against the dismissal order dated 13.06.2019, the petitioner preferred an appeal under Section 117(2) of BSF Rules wherein the petitioner himself admitted his fault as under:

“3. I have already referred above in point 2, that I have been dismissed from service on the ground of making false



information at the time of enrolment and there is no illegality on the part of the authority concerned in conducting the proceeding like dismiss from a prayer before your good self is that at the time of enrolment I suppressed the actual education certificate which was/is IX pass issued by the concerned school (Xerox copy is enclosed) when actual requirement of educational qualification was Madhymik pass and this is why I deliberately suppressed the same which was my fault.
xxxxxx”

4. After considering all the facts and circumstances of the case including the petitioner’s past record, DG, BSF has dismissed the aforesaid appeal of petitioner vide order dated 21.09.2020. Thereafter, the petitioner issued a legal notice dated 16.10.2021 through his Advocate to DG, BSF, New Delhi which is pending for consideration.

5. Though there is no provision of filing representation after the appeal has already been dismissed. However, in the reply dated 28.12.2021 to the said notice it is mentioned by respondents that outcome of the representation shall be intimated to the petitioner.

6. In view of above, the present petition is disposed of with direction to the respondent to decide petitioner’s representation/notice within eight weeks and fate thereof be communicated to the petitioner in writing within one week thereafter.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

JULY 15, 2022/rk