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

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Date of decision: 19.04.2023

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W.P.(C) 4972/2023 & CM APPL. 19393/2023

ABHISHEK KUMAR

..... Petitioner

Through: **Mr.Abhay Kumar Bhargava,**
Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: **Sh.Hemendra Singh, Deputy**
Commandant (Law) BSF.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Vide the present petition, petitioner prays as under:
 - i. *To call for records and quash the order dated 16.02.2023 passed by Summary Security Force Court at BN HQ, 157 BN BSF, Gopalpur, Cooch Behar, West Bengal which was counter-signed by the DIG SHQ BSF, Gopalpur on 22.03.2023;*
 - ii. *To call for records and quash the order dated 13.04.2023 whereby petitioner's application for suspension of sentence was dismissed.*
2. Notice issued.
3. Sh.Hemendra Singh, Deputy Commandant (Law) BSF appears for the

respondents on advance notice, has pointed out that against the SSFC proceedings dated 16.02.2023, till date, petitioner has not filed any petition under Rule 167(2) of the BSF Rules.

4. Learned counsel appearing on behalf of the petitioner at this stage submits that let the present petition be treated as a petition filed under Rule 167(2) and the respondents may be directed to decide the same in time bound manner.

5. Accordingly, we hereby dispose of the present petition by giving directions to the respondents to treat the present petition as a petition under Rule 167(2) of the BSF Rules filed by the petitioner and decide the same within two weeks from today and communicate the decision thereof to the petitioner within two days' thereafter with reasoned order.

6. With the aforesaid directions, the present petition and pending applications are disposed of.

7. Needless to say, if the petitioner feels aggrieved by the decision of the respondents, he may approach the appropriate forum.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

APRIL 19, 2023/ab