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

% ***Date of decision: 03.05.2023***

+ **W.P.(C) 5745/2023 & CM APPL. 22520/2023**

BIJU NANDA KUMAR & ORS. Petitioner
Through: **Mr.Satyarth Sinha & Mr.Abhay K. Bhargava, Advocates.**

versus

UNION OF INDIA & ORS. Respondents
Through: **Mr.Rishabh Sahu, SPC with Mr.Sameer Sharma & Ms.Geetanjali Tyagi, Advocates. Sh.Hemandra Singh, DC (LAW) BSF.**

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Present petition has been filed seeking call for the records and quashing of the impugned order/communication dated 06.02.2023 issued by the SHQ, BSF, BHUIJ. Further seeks direction to return the amount that has already been deducted from the petitioners towards the impugned recovery orders.
2. Notice issued.
3. Mr.Rishabh Sahu, learned Senior Panel Counsel accepts notice on behalf of the respondents and submits that if the petitioners have any grievance regarding the order dated 06.02.2023 passed by the Deputy Inspector General, SHQ, BSF, Bhuj for recovery of risk and hardship allowance, they may make a representation to the respondents and the same

shall be decided as per law.

4. Counsel for the petitioners requests this Court that if the present petition be treated as a representation and the same shall be decided by the respondents as per law.

5. After hearing counsel for the parties, we hereby dispose of the present petition by giving direction to the respondents to treat the present petition as a representation filed by the petitioners and the same shall be decided within two weeks and while deciding the petitioners' representation, the respondents shall take into consider the Office Memorandum No.II-27012/40/CF-3396706/2017-PF-I dated 31.07.2017 issued by the Ministry of Home Affairs, Government of India and other subsequent policy, if any, and the decision, so taken, shall be communicated to the petitioners in writing within three days thereafter.

6. The respondents are further directed not to affect any recovery till the decision of the representation of the petitioners.

7. Accordingly, the present petition along with pending application is disposed of.

8. Needless to state, if the petitioners are still aggrieved by the decision of the respondents, they may challenge the same before the appropriate forum.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

MAY 03, 2023/ab

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