

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5347 of 2020

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Bishnu Pada Barui Son of Shri Paritosh Barui, Resident of - Village and P.O.- Kuliadanga (Abad), P.S.- Hasnabad, District- North 24- Parganas (West Bengal), PIN - 743456, presently posted as Sub-Inspector (Telecommunication), Sashastra Seema Bal, 65 th Bn, Bettiah, Camp at Bagaha, West Champaran, PIN- 845105.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, Sashastra Seema Bal, R.K. Puram, Sector- V, East Block, New Delhi, PIN- 110066.
2. Director General, Sashastra Seema Bal, R.K. Puram, Sector- V, East Block, New Delhi, PIN- 110066.
3. Inspector General, Frontier Headquarters, Sashastra Seema Bal, Karpuri Thakur Sadan, 3rd Floor, Ashina Digha Road, Patna, PIN - 800025.
4. Inspector General (Personnel), Frontier Headquarters (FHQ), Sashastra Seema Bal, New Delhi, PIN 110066.
5. Deputy Inspector General, Frontier Headquarters, Sashastra Seema Bal, Karpuri Thakur Sadan, 3rd Floor, Ashina Digha Road, Patna, PIN 800025.
6. Deputy Inspector General, Sector Headquarters, Sashastra Seema Bal, Bettiah Camp at 44th Bn, Narkatiaganj, District- West Champaran, PIN- 845455.
7. Deputy Commandant, Medical Composite Hospital, Sashastra Seema Bal, Bathnaha, P.O. and P.S.- Bathnaha, District- Araria, PIN- 854316.
8. Commandant, Staff Officer (Administration), Frontier Headquarters, Sashastra Seema Bal, Karpuri Thakur Sadan, 3rd Floor, Ashiana Digha Road, Patna, PIN- 800025.
9. Commandant, 40th Battalion, Sashastra Seema Bal, Gayatri Hospital Complex, Khagaul Road, Danapur, Patna, PIN- 801503.
10. Commandant, Sashastra Seema Bal, 65th Bn, Bettiah, Camp at Bagaha, PIN- 845101.
11. Adjutant, 40th Battalion, Sashastra Seema Bal, Gayatri Hospital Complex, Khagaul Road, Danapur, Patna, PIN- 801503.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Gautam Saha, Adv.
For the Respondent/s	:	Mr.S.D. Sanjay (Adsg)
	:	Mrs. Punam Kumari Singh, Adv.
	:	Mr. Vaibhav Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER



3 27-06-2024 Heard learned counsel for the petitioner and learned counsel for the Union of India.

2. The present writ petition has been filed by the petitioner in which the basic order under challenge along with others are the order of termination of the petitioner from the service which is contained in Annexure-25, letter No.2544-49 dated 20.03.2020 along with other letters.

3. Counsel for the Union of India raised preliminary objection and submits that the termination order from the service of the petitioner is challengeable under Rule 29 of the Sashastra Seema Bal (SSB) Rules, 2009. Learned counsel for the petitioner is claiming that petitioner is an officer, and therefore, appeal shall lie against the Central Government according to Rule 29(2) of the SSB Rules, 2009 whereas counsel for the respondent is submitting that since the petitioner was not an officer, therefore, appeal shall not lie to the Central Government, but both are agreed that the appeal shall lie against the orders of the dismissal, removal or retirement either according to Rule 29(1) or according to Rule 29(2) of the SSB Rules, 2009.

4. In the light of the submissions made by the parties, this writ petition stands disposed off directing the petitioner to



prefer appeal under Rule 29 of the SSB Rules, 2009. The appellate authority shall entertain appeal as per law.

5. However, the petitioner shall be at liberty to challenge the order of termination as well as other letters which he has already challenged before the High Courts on early occasion. In case, the petitioner prefers appeal, then delay in filing the appeal has been directed to be condoned and it is expected that the appeal shall be disposed off within the reasonable period of time *i.e.*, maximum within 4 months from the date of receiving of Memo of Appeal.

(Dr. Anshuman, J.)

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