

01.04.2024
Court No.13
Item No.44
pk

WPA 28793 of 2023

Soumyajit Roy
Vs.
Union of India and Ors.

Ms. Sucharita Biswas,
Mr. Goutam Mallik

... for the petitioner.

Mr. Chirantan Dawn,
Ms. Sarda Sha

... for the respondents.

1. Affidavit of service filed in Court is taken on record.

2. The writ petitioner challenges of final order passed by the Appellate Authority dated 31st October, 2023 confirming the order of the First Authority dismissing him from service. It appears that the subject matter of the proceedings against the petitioner is under the BSF Amendment Rules of 2003. The petitioner was dismissed from service by the order dated 18.12.2021 passed by the Commandant of 54 Bn, BSF for unauthorised absence for over staying leave.

3. The petitioner claims that he was unwell physically due to Jaundice and mentally thereafter. It further appears from the instructions of the BSF that the petitioner has been regularly over staying leave since 2016 to 2021.

4. In the year 2020 he was summarily tried by the Commandant for committing offence under Section 19(b) and awarded punishment "14 days pay fine". He was further tried summarily by the Commandant on 26.04.2021 for committing offence under Section 19(a) and awarded punishment "14 days rigorous imprisonment in force custody".

5. The petitioner thereafter approached the D. G., BSF, New Delhi against the order of dismissal. The petitioner's application was rejected for being grossly time barred on 31st October, 2023.

6. In the above circumstances, this Court is of the view that the proceedings against the petitioner which stood concluded in the year 2021, have been questioned for the first time in the year 2023. Apart from the belatedness in challenging the proceedings, this Court does not find any infirmity therein. The petitioner has not been able to make out any case of error or omissions on the part of the respondents or violation of the principles of natural justice. The punishment is not disproportionate with the charge proved.

7. Accordingly, the writ petition is dismissed.

8. Report of the BSF dated 05.01.2024 is taken on record.

9. There will be no order as to costs.

10. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court

(Rajasekhar Mantha, J.)