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

+ **W.P.(C) 2571/2024 & CM APPL. 10582/2024**

SH. RAM DAYAL JYANI

..... Petitioner

Through: **Mr. Bijendra Kumar Pathak, Adv.**

versus

UNION OF INDIA AND ORS

..... Respondents

Through: **Mr. Chiranjiv Kumar, SPC with Mr. Abhishek Khanna, Govt. Pleader and Mr. Mukesh Sachdeva, Adv. with Mr. Hemendra Singh. Mr. Tarveen Singh Nanda, Govt. Pleader for Respondent No. 2**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
21.02.2024

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CM APPL. 10582/2024

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 2571/2024

1. This petition has been filed by the petitioner with the following prayers:

“It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to:-

i) Issue a Writ of Mandamus or Certiorari or any other Writ for direction to the respondent no. 1 to 3 to quash its final order NO. Estt/115Bn/SSFC-RDJ/2023/2150-69 dated 28.01.2023 of removal/ dismissal from service of BSF and pass an order for reinstatement in the service with all consequential benefits.



ii) Or pass any other and further writ, order or direction as this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the case.”

2. In effect, the petitioner is challenging his dismissal from service vide order dated January 28, 2023. Though the respondents have communicated to the petitioner that the statutory appeal he has filed under Section 117 of the BSF Act is under consideration, we have been informed by the counsel for the respondents that despite sending a copy of the trial proceedings in the month of September, 2023, the petitioner has not submitted the revised statutory appeal.
3. Learned counsel for the petitioner by acknowledging the fact that the petitioner has received the record of the trial proceedings, states the petitioner does not intend to file a revised appeal. In other words, the appeal filed by him on April 14, 2023 be considered as an appeal to be decided by the competent authority.
4. On this learned counsel for the respondents submit that the said appeal shall be decided within eight weeks from today.
5. Noting the said submission, it is directed that the said appeal shall be decided within eight weeks as an outer limit.
6. The petition is disposed of.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 21, 2024/jg