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

+ W.P.(C) 11565/2024
RAJENDRA PRASAD

.....Petitioner

Through: Mr Namit Saxena, Adv.

Versus

UNION OF INDIA THROUGH SECRETARY MINISTRY OF
HOME AFFAIR & ANR.

.....Respondents

Through: Mr. T.P. Singh, Sr. Central Govt.
Counsel with Mr. Abhinav Bhardwaj, G.P.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
22.08.2024

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CM APPL. 48022/2024 –Ex.

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 48021/2024 –Stay.

3. This is an application preferred by the petitioner seeking ad-interim ex-parte stay of the order dated 03.06.2024.
4. After some arguments, learned counsel for the petitioner does not press the application at this stage.
5. The application is, accordingly, dismissed as not pressed.



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6. The petitioner has approached this Court under Article 226 of the Constitution of India assailing the order dated 03.06.2024 passed by the Commandant vide which his services have been terminated under Rule 25 of the BSF Rules, 1969 (Rules) on medical grounds.
7. At the outset, learned counsel for the respondents, who appears on advance notice, submits that the present petition is pre-mature as the petitioner has not availed of his statutory remedy of appeal under Rule 28 of Rules.
8. When faced with this situation, learned counsel for the petitioner seeks leave to withdraw the petition with liberty to move an appropriate appeal as per Rule 28 of the Rules.
9. The writ petition is, accordingly, disposed of as not pressed with liberty to the petitioner to avail the statutory remedy of appeal.
10. Needless to state, if the petitioner is aggrieved by any order passed in the statutory appeal, it will be open for him to seek legal recourse, as permissible in law.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 22, 2024

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