

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7858 of 2016

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Pappu Kumar Singh S/o Sri Vishwanath Singh resident of Village- Basdila,
P.O.- Hathua, P.S.- Mirganj, District- Gopalganj. At present Constable No.
050383063, CT/GD Pappu Kumar Singh, SSB Academy, Srinagar, District-
Pauri Garhwal, Uttara Khand.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry of Home Affairs, New Delhi.
2. The Director General, Sasastra Seema Bal (SSB), Ministry of Home Affairs, New Delhi.
3. The Inspector General, SSB Frontier Head Quarter, Guwahati Assam, Nikita Complex, House No.345, Road Khanapara.
4. The Inspector General, SSB Frontier Head Quarter, Rukanpura, Patna.
5. The Deputy Inspector General, SSB Frontier Head Quarter, S.S.B., Bongai Gaon, Assam.
6. Assistant Director, Administration FTR, S.S.B., H.Q. Guwahati, Assam.
7. Commandant 31st Battalion, S.S.B., Gossaigaon, District Kokrajhar, Assam.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dharmendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Awadhesh Kumar Pandey, Sr. C.G.C.
		Mr. R.K. Sharma, C.G.C.
		Mr. Lokesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 15-07-2025 Heard learned Counsel for the petitioner and learned
Counsel for the Union of India.

2. The present writ petition has been filed with the
following relief:-

*“(I) For issuance of an
appropriate writ in the nature of Certiorari,
quashing and setting aside the order/Award
dated 04.11.2009 awarded by the*



commandant 31" BN SSB, Gossaigaon, order dated 27.02.2015 of DIG, SSB Gossaigaon on appeal and order dated 22.02.2016 of IG Frontier Hd. Qtr. Guwahati on revision.

(II) For issuance of a writ in the nature of Mandamus, Commanding and directing the commandant to give the petitioner all remunerations including three increments and all benefits which are effected by the order of the commandant dated 04.11.2009.

(III) For issuance of a declaration that the services of the petitioner shall not be effected by the order dated 04.09.2009.

(IV) For issuance of any other appropriate writ/writs, order/orders, direction/directions for grant of any other relief/reliefs to which the petitioner may be found entitled under the facts & circumstances of the case.”

3. Learned Counsel for the petitioner submitted that second supplementary affidavit has been filed. In the second supplementary affidavit the Counsel for the petitioner has explained the entire facts and circumstances under which show-cause notice has been sent and served upon the petitioner, but how the petitioner was not in a position to respond on the said notice has been duly explained in the second



supplementary affidavit. Learned Counsel for the petitioner raised one more point on merit of the case considering that the duty of the petitioner was on other post whereas he has been punished for wrong done at another post.

4. Learned Counsel for the Union of India vehemently opposes and submits that in the second supplementary affidavit the factual matrix of the case has been explained, but such facts has neither been placed before the Original Forum nor before the Appellate Forum nor before the Revisional Forum. Therefore, he submits that a point which ought to be raised not raised cannot be raised. It is not the law but it is the fact. Counsel for the Union of India submits that duty of the petitioner was on one post but he was In-Charge of another post also.

5. In the light of the submissions made by the parties, this Court upon perusal of the second supplementary affidavit observes that the explanation made in the second supplementary affidavit is basically the factual matrix of case about which no pleading had been made by the petitioner before the Disciplinary Authority or the Appellate Authority or the Revisional Authority. This pleading has been made for the first time before this Hon'ble Court in the 2nd supplementary



affidavit in the year 2025, where as present writ petition is pending since 2016 itself. It is only due to this reason that the points which have not been raised at any level, which are relating to the facts of this case, this Court restrain himself to interfere in the orders impugned.

6. In this view of the matter that it is the factual test which has taken place at three level and this Court in review jurisdiction has limited scope to enter into the fact. Hence, this Court is not inclined to interfere in the orders impugned. Accordingly, the writ petition stands dismissed.

(Dr. Anshuman, J)

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