



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CWP-38207-2018 (O&M)

Date of decision: 22.01.2025

Girwar Singh

...Petitioner

VERSUS

Director General Indo Tibetan Border Police Force and ors. ...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Rajeev Anand, Advocate and
Mr. Ujwal Anand, Advocate for the petitioner.

Mr. Vikram Bajaj, Sr. Panel Counsel,
for respondents No.1 to 3.

VINOD S. BHARDWAJ, J. (Oral)

1. The petitioner has approached this Court for seeking quashing of charge-sheet dated 07.05.2018; the order dated 18.10.2018 whereby the petitioner has been ordered to be tried by the Summary Force Court to be held at Transport Battalion ITBPF, Chandigarh whereas the said Summary Force Court is barred by limitation as prescribed under Section 88 of the ITBPF Act, 1992 and also on the ground that the second trial is barred under Section 87 of the ITBPF Act, 1992. A further prayer has been made by the petitioner for setting aside the order dated 15.12.2018 whereby the petitioner has been ordered to be dismissed from service allegedly by illegal and unlawful proceedings.

2. Learned counsel appearing on behalf of the respondent contends that the present writ petition would not be maintainable since the petitioner has a statutory alternative remedy of filing an appeal against the



impugned orders under Rule 28 of the ITBP Rules, 1994 before the next Superior Authority.

3. Faced with the above, learned counsel appearing on behalf of the petitioner contends that he would have no objection to the petitioner being relegated to exhaust his alternative remedies but since the matter pertains to the year 2018, the Appellate Authority may be directed to decide the appeal, on its filing, in a time bound manner.

4. Learned counsel for the respondents has no objection to the same.

5. In view of the aforesaid, the present petition is disposed of with the consent of the parties and without commenting on the merits of the case with liberty to the petitioner to prefer a statutory appeal before the next Superior Authority under Rule 28 of the ITBP Rules, 1994 within a period of 01 month from receipt of certified copy of this order, whereupon the respondent-authorities shall decide the same expeditiously and preferably within a period of 04 months of filing of the appeal.

6. Needless to mention that a reasoned and speaking order shall be passed thereupon after granting an opportunity of hearing to the parties, if so provided in the Rules.

(VINOD S. BHARDWAJ)
JUDGE

22.01.2025
Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No