



2025:DHC:184-DB



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

Date of decision: 15.01.2025

+ W.P.(C) 471/2025

EX CT COOK NITESH KUMAR CHANDRAKAR

.....Petitioner

Through: Mr. M. K. Gaur, Adv.

versus

UNION OF INDIA AND OTHERS

.....Respondents

Through: Mr. Ajit Kumar Pathak, Mr.
Vasuchit Anad, Mr. Alok
Vajpayee and Ms. Akriti
Pathak, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

1. This petition has been filed by the petitioner, praying *inter alia* for the following directions:-

*“b) Quash and setting aside the impugned order dt.12.06.2023 (**Annexure P/1**) issued by the Dy. IG (PSO), South Bengal Frontier further directing the IG, BSF the respondent No. 3 herein to consider the petition of the petitioner for review of the orders of premature retirement and request for re-instatement in service in accordance with the relevant rules and instructions on the subject; alternatively*

c) Directing the respondents to consider and finalize the petitioner's appeal/representation dt. Nil Dec 2023 submitted against the



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impugned order dt. 12.06.23 within some stipulated period.”

2. The learned counsel for the petitioner submits that though the appeal was filed by the petitioner, as directed by the respondents itself, to the Inspector General, BSF, South Bengal Frontier, the dismissal of the same, *vide* Impugned Order dated 12.06.2023, has been communicated to the petitioner by the Deputy Inspector General (PSO), South Bengal Frontier, BSF, who is an officer subordinate to the Inspector General. He submits that the Impugned Order also records that the appeal was considered by the Inspector General and the impugned letter is merely a communication of the rejection order. He submits that, in terms of the general instructions issued by the Ministry of Home Affairs *vide* O.M. No. 134/1/81-AVD, I, dated 13.07.1981, it is the Appellate Authority itself which must communicate its decision to the petitioner giving reasons for the same.
3. The learned counsel for the petitioner submits that the petitioner has already submitted an appeal/representation against the Impugned Order dated 12.06.2023 to the Director General, BSF. He submits that the petitioner will be satisfied if a direction is issued to the Director General, BSF, to consider the said representation/appeal within a time bound manner.
4. Issue notice.
5. Notice is accepted by Mr. Ajit Kumar Pathak, the learned counsel on behalf of the respondents.
6. He submits that he has presently no instructions if this appeal/representation dated December 2023 has been received in the



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office of the Director General, BSF.

7. Be that as it may, as the prayer made by the petitioner is formal in nature, we direct the respondent no. 2 to consider the abovesaid representation, which is also annexed along with the present petition, and decide the same within a period of six weeks from today, communicating its decision to the petitioner. In case, the petitioner is aggrieved of the Order passed, it shall be open to the petitioner to challenge the same in accordance with law.

8. With the above direction, the petition is disposed of.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 15, 2025
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Click here to check corrigendum, if any