



2025:DHC:5356-DB



\$~82

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

+ **W.P.(C) 9215/2025 & CM APPL. 39130/2025**

JAGDEEP SINGH SANDHUPetitioner

Through: Dr. S. S. Hooda and Mr.
Aayushman Aeron, Advs.

versus

UNION OF INDIA & ANR.Respondents

Through: Ms. Iram Majid, CGSC

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

% **07.07.2025**

C. HARI SHANKAR, J.

1. At the very outset, we may note that prayer (e) in this writ petition, which seeks a direction to Respondent 1 to consider amending the BSF Act and rules to incorporate the provision of an statutory appeal, cannot be granted by a Court as it is a well settled principle that Article 226 of the Constitution of India does not empower a court to direct any authority to frame rules or any legal provision.

2. In so far as the remaining prayers in this writ petition are concerned, Mr. Hooda has drawn our attention to Section 117(2) of the BSF Act, which provides for a statutory petition, by any person aggrieved by the findings of sentence by Security Force Court, which



has been confirmed to the Central Government, Director General or any prescribed officer superior to the officer who confirmed the finding of sentence. In case any such petition is made, Section 117(2) obligates the Central Government, the Director General or the concerned officer to pass such orders thereon as he thinks fit.

3. Mr. Hooda submits that a petition under Section 117(2) of the BSF Act, assailing the finding of sentence to the GSFC, followed by its confirmation by the Revisionary Authority, has been preferred by his client on 3 February 2025 and that, even while the decision on the said petition is still pending, the impugned show cause notice dated 23 May 2025 has been issued to his client, proposing to terminate his services, on the basis of the findings of the CSFC.

4. Ms. Iram Majid, learned CGSC for the respondents, on instructions, submits that the respondent would positively take a decision on the petitioner's Section 117(2) petition within six weeks from today and communicate the decision immediately to the petitioner.

5. She agrees, on instructions, that the operation of the show cause notice dated 23 May 2025 would remain in abeyance till that decision is taken.

6. Accordingly, we dispose of this writ petition in the following terms:

(i) The respondent would positively take a decision on the



2025:DHC:5356-DB



petitioner's statutory Section 117(2) petition within six weeks from today and communicate the decision thereon forthwith to the petitioner.

(ii) Till such decision is taken and for a period of two weeks thereafter, in the event the decision is adverse to the petitioner, no further proceedings would be taken pursuant to the show cause notice dated 23 May 2025 in order to enable the petitioner to avail legal remedies, if so advised.

7. We have not expressed any opinion on the merits of the matter. The restraint on proceeding with the show cause notice dated 23 May 2025 shall continue only till the expiry of two weeks after the passing of the order by the respondent on the Section 117(2) petition filed by the petitioner.

8. The writ petition is disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

JULY 7, 2025

dsn

Click here to check corrigendum, if any