



2025:DHC:10076-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 17332/2025 & CM APPL. 71332/2025**
MAHENDER SINGHPetitioner
Through: Mr. Dheeraj Jani, Advocate.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Sukrit Seth, SPC with Mr.
Arvind, GP for R-1

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)**14.11.2025**

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C. HARI SHANKAR, J.

1. The petitioner is originally posted with the 97th Battalion of the BSF which is located in Tripura. As he was facing trial by a General Security Force Court¹, being conducted in Delhi, he was attached with the 25th Battalion at Delhi. The trial at the GSFC has concluded and the GSFC has returned its findings, though Mr. Dheeraj Jani, learned Counsel for the petitioner submits that the findings are yet to be confirmed by the Confirming Authority.

2. Inasmuch as the trial is concluded, the petitioner has been directed to move back to his parent Battalion, i.e. the 97th Battalion at Tripura.

Signature Not Verified¹ "GSFC" hereafter

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Signing Date: 21.11.2025
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3. The petitioner has sought to challenge the said decision and terms it as harassment.

4. We do not see how a direction to report back to his parent Battalion can be treated as harassment. This is not a transfer. The petitioner was always posted with the 97th Battalion at Tripura. He was merely attached with the 25th Battalion at Delhi for conducting the GSFC. The trial by the GSFC stands concluded. Even as per the averments in the writ petition, the GSFC passed a reasoned judgment on 27 September 2024, directing acquittal/exoneration of the petitioner. Thereafter, the Confirming Authority, on 28 June 2025, referred the decision of the GSFC for revision under Section 113 of the BSF Act, 1968. The Revisionary Authority, as per the writ petition, again found the petitioner not guilty by order dated 7 July 2025.

5. In that view of the matter, it is obvious that the petitioner has no case to assail his movement back to Tripura, to his parent Battalion.

6. Mr. Dheeraj Jani, learned Counsel for the petitioner submits that his Commandant orally announced that the petitioner will be subjected to re-trial after his transfer back to Tripura.

7. We are sanguine that no decision can be taken by the respondents on an oral announcement. In case, any retrial of the petitioner commences and in case, such retrial is contrary to the law, it would always be open to the petitioner to avail legal remedies in that regard.

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8. Mr. Dheeraj Jani, appearing for the petitioner, at this stage, submits that the decision dated 7 July 2025 of the Revisionary Authority finding him not guilty was oral. We direct the respondents to communicate to the petitioner the decision on his revision petition under Section 113 of the BSF Act. In case, the petitioner is aggrieved thereby, his remedies in law shall remain reserved.

9. We also direct that in case, any documents pertaining to the decision of the GSFC and the reference of the matter to the Revisionary Authority have not been provided to the petitioner, they would be provided to the petitioner within a period of two weeks from today.

10. Subject to the above, we see no reason to exercise our jurisdiction under Article 226 of the Constitution of India in this writ petition. It is accordingly disposed of, reserving liberty with the petitioner to re-approach the Court in light of the observations made hereinabove at an appropriate stage.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

NOVEMBER 14, 2025/pa