

**CWP-7006-2026****-1-****134 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-7006-2026****DECIDED ON: 09.03.2026**

NO.080050034 EX CONSTABLE MANMOHAN KUMAR

....PETITIONER(S)

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGILPresent: Mr. M.S.Bhatti, Advocate
for the petitioner(s).

SANDEEP MOUDGIL, J (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of writ in the nature of Certiorari quashing the order dated 04.10.2025 (P-1) passed by Office of Commandant, 2 Battalion Border Security Force, Mawpat, Shillong, Meghalaya vide which petitioner has been ordered to retire compulsorily from service on ground of unsuitability without adhering to the instructions issued by Government of Haryana, Ministry of Home Affairs, Directorate General, Border Security Force vide circular dated 25.05.1992 (P-23) and circular dated 07.12.2011 (P-24), which is in contravention to the principle of natural justice.

2. It is specific case of the petitioner that there is provisions of Rules, which have not been adhered to at all and at the same time, he would also inform the Court that the statutory appeal (P-20) preferred by the petitioner in the form of representation as envisaged vide Rule 28(A) of the BSF (Amendment) Rules, 1969 is still pending adjudication, which was preferred on 16.12.2025.



3. Notice of motion.
4. Mr. Maneesh Bali, Sr. Panel Counsel, having been served with an advance copy of petition, accepts notice on behalf of respondent - UOI and is in consonance with the fact that the appeal in the form of representation under Rule 28(A) (P-20) preferred by the petitioner is still pending.
5. In the light of above, this Court is of the considered view that once statutory remedy is already availed by the petitioner by way of representation dated 16.12.2025 (P-20) and the same is yet to be adjudicated, it would be in the fitness of things within the framework of law that the appeal be decided, for which the petitioner ought to have waited before approaching the Court by instant writ petition as the Court is also of the view that, looking at the date of above-said representation i.e. 16.12.2025, a reasonable time has not yet lapsed for any direction to the authorities below to consider the same within the stipulated period.
6. The petitioner, therefore, seeks permission to withdraw the present petition with liberty to pursue his statutory appeal/representation already pending before the respondents-authority and thereafter only may approach the Court invoking the jurisdiction under Article 226/227 of the Constitution of India, if needs, so arises.
6. Prayer is accepted.
7. Present Petition stands dismissed as withdrawn with liberty aforesaid.

09.03.2026
sonia

(SANDEEP MOUDGIL)
JUDGE

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