

(2010) 09 DEL CK 0394

Delhi High Court

Case No: Writ Petition (C) No. 6053 of 2010

Anup Singh

APPELLANT

Vs

Director General, BSF and
Another

RESPONDENT

Date of Decision: Sept. 7, 2010

Acts Referred:

- Prevention of Corruption Act, 1988 - Section 7

Hon'ble Judges: J.R. Midha, J; Gita Mittal, J

Bench: Division Bench

Advocate: F.K. Jha, for the Appellant; Jatan Singh and Ashok Singh, for the Respondent

Judgement

Gita Mittal, J.

By way of this writ petition, the petitioner assails the order of the Commandant of the Border Security Force for charges u/s 7 of the Prevention of Corruption Act. Having been found guilty of all charges levelled against him on 6th May, 2006, the punishment of dismissal from service was imposed upon the petitioner.

2. Aggrieved by this order of dismissal, the petitioner had filed an appeal on 27th August, 2006. While maintaining the finding of petitioner's guilt, the appellate authority passed an order dated 27th November, 2006 reducing his punishment and directing the petitioner's reinstatement with commutation of the dismissal to that of reduction to the rank of Constable. Consequent upon his reversion, refixation of his pay was also directed.

3. The petitioner's revision against the order of dismissal as well as appellate order dated 27th November, 2006 was rejected by an order passed on 27th November, 2008. The petitioner assailed all these orders by way of writ petition bearing WP(C) No. 13462/2009. After detailed consideration, all appeals/challenges raised by the petitioner were rejected by this Court and the writ petition was dismissed by an order passed on 27th November, 2009.

It is an admitted position before us that the petitioner does not have any further statutory remedy available to him. The order of this Court dated 27th November, 2009 was also not assailed by way of any further proceedings and has attained finality.

4. The petitioner is stated to have taken voluntary retirement from service on 31st July, 2010. The petitioner has a grievance that the order dated 27th November, 2006 did not stipulate the period for which the petitioner would remain reverted and when he would have become entitled for consideration for promotion to the rank of Head Constable. It is submitted that the petitioner was entitled to the benefits of the service which he had already undergone.

The present writ petition has been filed aggrieved by the fact that the respondents have failed to consider this aspect of the matter and no orders have been passed on his representation dated 3rd April, 2010.

5. It is submitted by Mr. Jatan Singh, learned Standing Counsel for the respondents that in view of the above grievance of the petitioner, and limited to this aspect, the respondents shall consider the representation dated 3rd April, 2010 of the petitioner and expeditiously pass orders thereon.

6. This writ petition and application are accordingly disposed of in view of the statement made by learned Counsel for the respondents with a direction that the respondents shall consider the representation dated 3rd April, 2010 limited to the above extent and pass orders thereon within a period of eight weeks from today, which shall be communicated to the petitioner. The petitioner shall be at liberty, if still aggrieved thereby, to assail the order which is passed.

7. Dasti.