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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6725/2017
MANOJ KUMARPetitioner
Through: Mr. Ankur Chhibber, Advocate.

versus

UNION OF INDIA AND ORSRespondents
Through: Mr. Kushagra Kumar, SPC

62

+ W.P.(C) 11327/2017
AHIRE VIJAYPetitioner
Through: Mr. Arun Srivastava and Mr.
Akhil Srivastava, Advs.

versus

UNION OF INDIA & ORSRespondents
Through: Mr. Kavindra Kumar, SPC

63

+ W.P.(C) 6746/2017
RAJESH KUMAR UPADHYAYPetitioner
Through: Mr. Ankur Chhibber, Advocate.

versus

UNION OF INDIA & ORSRespondents
Through: Mr. Kushagra Kumar, SPC

64

+ W.P.(C) 6747/2017
CHANDRA LOK BIKRAM SINGHPetitioner
Through: Mr. Ankur Chhibber, Advocate.

versus

UNION OF INDIA AND ORSRespondents



65
+ Through: Mr. Kushagra Kumar, SPC
W.P.(C) 6755/2017
RANJEET KUMAR RAIPetitioner
Through: Mr. Ankur Chhibber, Advocate.

versus

UNION OF INDIA AND ORSRespondents
Through: Mr. Kushagra Kumar, SPC

66
+ W.P.(C) 6830/2017
GOBIND CHANDRA DEYPetitioner
Through: Mr. Ankur Chhibber, Advocate.

versus

UNION OF INDIA AND ORSRespondents
Through: Mr. Kushagra Kumar, SPC

67
+ W.P.(C) 732/2020
MD. KHURSHID ALAMPetitioner
Through: Mr. Arun Srivastava and Mr.
Akhil Srivastava, Advocates.

versus

UNION OF INDIA & ORSRespondents
Through: Mr. Kushagra, SPC

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

% **ORDER**
11.11.2025

1. We have heard Mr. Chhibber, learned Counsel for the



petitioners for some time in WP(C) 6725/2017.

2. Mr. Chhibber submits that the entire dispute arises out of a scuffle which took place on 28 January 2010 between Constable Ahire Vijay and Assistant Commandant Y.K. Poonia¹.

3. Following this, the 2IC ordered recording of evidence against Poonia under Section 25 of the BSF Act.

4. The DIG, however, ordered dropping of proceedings against Poonia following which, on 19 August 2010, the Commandant dropped the proceedings against Poonia. The order of 19 August 2010 was, however, cancelled by the Commandant on 9 September 2010.

5. On 30 November 2010, a Staff Court of Inquiry² was constituted with a direction to look into the incident relating to the fight between Ahire Vijay and Poonia.

6. Mr. Chhibber has drawn our attention to the mandate of the SCOI, which only required the incident relating to the said scuffle to be examined.

7. The opinion of the SCOI, dated 18 August 2011, also attributed blame only to the persons involved in the scuffle, notably Ahire Vijay and Poonia. Insofar as the petitioners, except for the petitioner in WP (C) 11327/2017, i.e. the Ahire Vijay himself, are concerned, the only finding against them is in Para 15(e) of the opinion of the SCOI,

¹ "Poonia" hereinafter

² "SCOI" hereinafter



alleging that they refused to disburse from the spot, though they were directed to do so. This was treated as insubordination.

8. Following this, *vide* order dated 14 September 2011, an Additional COI³ was directed to look into the roles of two other personnel namely Const Dilip Kumar and Const Soma Oraon. Even in the order constituting the ACOI, there was no reference to the petitioner.

9. Unfortunately, the findings of the ACOI are not on record. Mr. Chhibber submits that no copy thereof was provided to his client.

10. Mr. Kushagra Kumar, learned SPC undertakes to place the findings of the ACOI on record under cover of an appropriate affidavit within a week.

11. Following the findings of the ACOI, the matter was placed before the IG, who, in his remarks dated 5 October 2011, has stated in paras 5 and 6 that the ACOI's findings were the same as those of the SCOI and that the ACOI did not therefore, attribute any blame to the petitioners insofar as the scuffle between Ahire Vijay and Poonia was concerned. However, the IG disagreed with the said decision and held that there was enough material to indicate that the petitioners were also instrumental in the assault on Poonia.

12. Before we proceed further in the matter, it would be necessary to have on record

³ "ACOI" hereinafter



- (i) the findings and recommendations of the ACOI and
- (ii) the proceedings, thereafter, which took place against Poonia and their ultimate outcome.

13. We direct the respondents to place the aforesaid documents on record under cover of an appropriate affidavit within a period of two weeks from today.

14. Renotify on 27 November 2025 as part heard for disposal in the Supplementary List.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

NOVEMBER 11, 2025
AT