

**WPA 12398 of 2023**

Sudhan Mondal
Vs.
Union of India & Ors.

Mr. Ziaul Islam

....for the petitioner

Mr. Partha Ghosh

...for the Union of India

Mr. Islam, learned counsel appearing on behalf of the petitioner submits that the order of penalty dated December 24, 2022 should be set aside and/or quashed. By the said order dated December 24, 2022 issued by the Commandant, BSF (Border Security Force), the petitioner was found guilty for unauthorised absence and was directed to be **'reprimanded'**. 37 days of unauthorised absence was treated as 'Dies Non' under Rule 25 of Central Civil Service (Leave) Rules, 1972 as applicable to BSF.

Mr. Ghosh, learned counsel appearing on behalf of the respondents challenges the territorial jurisdiction of the Court. He submits that the entire cause of action arose in Jammu and therefore the present writ petition is not maintainable before this Court.

Considering the submissions of the parties and the materials placed on records, this Court is of the view that since the petitioner underwent a surgery in



West Bengal and such was the reason for unauthorised absence, this Court has the territorial jurisdiction to receive, try and entertain the instant writ petition.

In such circumstance, the respondent No. 7/ the Commandant or any other authority designated by him is directed to file a Report on Affidavit on the issue whether the disciplinary proceeding culminating in the order of penalty dated December 24, 2022 has been proceeded with/conducted in accordance with law keeping in mind the Rules/Regulations of the BSF.

Let such Report on Affidavit be filed by July 14, 2024. Exception, if any, by July 21, 2023.

Let the matter appear for further consideration under the same heading **Motion on July 27, 2023.**

All parties are to act on a server copy of this order downloaded from the official website of this Hon'ble Court.

(Lapita Banerji, J)