

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 28408 OF 2025

**MITHUN SWARNKAR
VS.
THE UNION OF INDIA & OTHERS**

Mr. Ziaul Islam, Adv.
Ms. Muskaan Chowdhury, Adv.
...for the Petitioner

Mr. Narayan Chandra Mondal, Sr. Adv.
Mr. Ashutosh Pathak, Adv.
...for the Respondents

1. Matter is heard in presence of the learned advocates representing the petitioner and authorities of Border Security Force (BSF).
2. In the writ petition order dated 6th June, 2025 of Commandant 5th Battalion, BSF is questioned whereby a minor punishment of seven (7) days pay as fine to be recovered from the monthly salary of June, 2025 was inflicted upon the petitioner. It is also contended that authority of BSF has initiated another proceeding against the petitioner.
3. Submissions are made on behalf of the BSF authorities based on impugned order dated 6th June, 2025. It is also submitted that there are certain allegations against the petitioner requiring initiation of another disciplinary proceeding.
4. On perusal of the impugned order dated 6th June, 2025, Court finds there is no scope for passing interim order.

5. Moreover, initiation of another disciplinary proceeding against the petitioner, at this stage, ought not to be interfered with unless it is substantiated that it is a case of without jurisdiction or *mala fide*.
6. Let affidavit-in-opposition to this writ petition be filed by four (4) weeks and affidavit-in-reply, thereto if any, be filed by two (2) weeks thereafter.
7. Petitioner shall be at liberty to mention the matter before the appropriate Bench for hearing after the time fixed hereinabove for exchanging affidavits.

(SAUGATA BHATTACHARYYA, J.)