

**IN THE HIGH COURT OF TRIPURA
AGARTALA**

W.P.(C) No.264 Of 2008

Sri Sanjeev Kumar,
son of Sri Satya Pal Singh,
permanent resident of House No.98,
Railway Crossing, Modipuram, Meerut, Uttar Pradesh,
presently holding the post of Assistant Commandant,
172, Battalion, Border Security Force, Rokhia, West Tripura.

..... Petitioner

– Vs –

1. The Union of India,
represented by the Secretary to the
Ministry of Home Affairs, Govt. of India,
North Block, New Delhi.
2. The Union of India,
represented by the Secretary to the
Ministry of Law, Justice and Company Affairs,
Govt. of India, North Block, New Delhi.
3. The Director General,
Border Security Force,
having its Office at Block 10, CGO Complex,
Lodhi Road, New Delhi – 110003.
4. The Deputy Inspector General (Personnel),
Border Security Force,
having its Office at Block 10, CGO Complex,
Lodhi Road, New Delhi – 110003.

.....Official Respondents

5. IRLA No.19772653, Sri Kamal Sarma,
presently posted at 94, Bn. BSF, Kalyani,
District Nadia, West Bengal.
6. IRLA No.19773292, Sri Aricho Salew Peter,
presently posted as Deputy Commandant,
G. Branch, Sector Head Quarter, BSF,
Bagafa, District South Tripura.

7. IRLA No.19772318, Sri Naginder Pal Singh,
presently posted as Deputy Commandant, MT,
Sector Head Quarter, BSF, Gakulnagar, District West Tripura.

.....Private Respondents

B E F O R E
THE HON'BLE MR. JUSTICE S. TALAPATRA

For the petitioner	:	Mr. Somik Deb, Advocate				
For the respondents	:	Mr. P.K. Biswas, Asstt. S.G.				
Date of hearing & order	:	31.05.2014				
Whether fit for reporting	:	<table border="1" style="display: inline-table; vertical-align: middle;"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td></td> <td style="text-align: center;">√</td> </tr> </table>	Yes	No		√
Yes	No					
	√					

JUDGMENT & ORDER (ORAL)

Heard Mr. Somik Deb, learned counsel appearing for the petitioner as well as Mr. P.K. Biswas, learned Asstt. Solicitor General of India, appearing for the official respondents.

2. At the outset, Mr. Biswas, learned Asstt. Solicitor General of India appearing for the official respondents, has submitted that the petitioner has been promoted to the rank of Deputy Commandant in the Border Security Force (BSF) notionally w.e.f. 25.08.2004. By filing a copy of the Promotion Order No.44, dated 29.09.2008, Mr. Biswas, learned Asstt. Solicitor General of India has submitted further that the seniority

of the petitioner has also been determined by virtue of the order of promotion with retrospective effect.

3. Mr. Somik Deb, learned counsel appearing for the petitioner has submitted that the petitioner has claimed some other reliefs in the writ petition. In the changed circumstances, he has submitted that the writ petition may be closed, reserving the right of the petitioner to claim the reliefs in future, if he deems it so fit.

4. Having regard to the submissions made by learned counsel for the parties, the writ petition is disposed of in view of the Promotion Order No.44, dated 29.09.2008, the copy of which be preserved in the record, having reserved the right of the petitioner to take recourse at law in respect of the reliefs as prayed in this writ petition, if he deems it so fit in future.

JUDGE

ROY