

**(2025) 12 J&K CK 1695**  
**In the Jammu And Kashmir High Court**  
**Case No : RPLPA No. 7 Of 2018**

Ajit Kumar Singh

APPELLANT

Vs

Union of India and ors.

RESPONDENT

**Date of Decision :** 03-12-2025

**Acts Referred:**

Border Security Force Act, 1968 — Section 20(a), 74  
Border Security Force Rules, 1968 — Rule 47, 51

**Citation :** (2025) 12 J&K CK 1695

**Hon'ble Judges :** Arun Palli, CJ;Rajnesh Oswal, J

**Bench :** Division Bench

**Advocate :** Veenu Gupta, Vishal Sharma, Eishaan Dadhichi

**Final Decision :** Dismissed

## Judgement

Rajnesh Oswal, J

1. The petitioner was dismissed from service vide order dated 04.11.2006 issued by respondent No. 5. Aggrieved thereof, he filed the writ petition bearing SWP No. 2232/2006 for quashing the dismissal order dated 04.11.2006, the charges framed against him, as well as the proceedings of the Summary Security Force Court. The writ petition, however, was dismissed by the learned Writ Court vide order dated 12.05.2011. The petitioner thereafter preferred an appeal, bearing LPASW No. 137/2011, assailing the judgment of the learned Writ Court, which too came to be dismissed by the Coordinate Bench of this Court vide order dated 16.08.2018.

2. The petitioner has now filed the instant petition seeking review of the judgment dated 16.08.2018.

3. Ms. Veenu Gupta, learned counsel for the petitioner, has submitted that the issue regarding the jurisdiction of the Summary Security Force Court to try an offence under Section 20(a) of the Border Security Force Act, 1968 was specifically raised during arguments in light of the bar contained in Rule 47 of the

BSF Rules, 1968, however, the Co-ordinate Bench of this court, while dismissing the appeal preferred by the petitioner, has not considered and decided the said issue.

4. Per contra, Mr. Vishal Sharma, learned DSGI, has submitted that the judgment dated 16.08.2018, which is the subject matter of the present review petition, does not suffer from any error apparent on the face of the record warranting its review. He has further contended that Rule 47 of the BSF Rules pertains only to the summarily disposal of a case by the Commandant and not by the Summary Security Force Court, as Section 74 of the BSF Act specifically confers jurisdiction upon the Summary Security Force Court to try any offence under the Act, which would include offence under section 20 (a) of the BSF Act.

5. Heard learned counsel for the parties and perused the record.

6. Upon examining the record, we find that the aforesaid issue was neither raised before the Writ Court nor the Division Bench. Even otherwise, a Summary Security Force Court is competent to try any offence punishable under the BSF Act, pursuant to Section 74. Rule 47 of the BSF Rules relates only to the powers vested in the Commandant under Rules 51 and 51-A and does not divest the Summary Security Force Court of its competence to try such offences. Accordingly, the contention raised by the petitioner is misconceived and is rejected.

7. After examining the record, we find no error apparent on its face that would warrant recall of the judgment.

8. Viewed thus, the review petition is found to be devoid of merit and is, accordingly, dismissed.