



2026:DHC:3133-DB



\$~

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

*Judgment reserved on: 10.04.2026*  
*Judgment pronounced on: 16.04.2026*

+ **W.P.(C) 4754/2026**

DEEPAK KUMAR SHUKLA

.....Petitioner

Through: Mr. Saroj Kumar Singh,  
Advocate.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Arunima Dwivedi CGSC  
with Ms. Pinki Pawar GP Ms.  
Himanshi Singh, Advocates.  
Mr. Jitendra Kumar Shukla  
from BSF.

**CORAM:**

**HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

## **J U D G M E N T**

**AMIT MAHAJAN, J.**

1. The present petition is filed under Article 226 of the Constitution of India assailing order dated 02.12.2023, passed by the Commandant, 118 Battalion, Border Security Force, whereby the Petitioner was dismissed from service and consequently praying for reinstatement into service.



2026:DHC:3133-DB



2. Briefly stated, the petitioner was serving as a Constable (GD) in the Border Security Force, and was deployed with 'E' Company at Border Out Post (BOP) Sahebkhali along the India–Bangladesh border between June 2022 and January 2023. During this period, an operational incident occurred on the intervening night of 29th - 30th January 2023 while he was assigned to Boat Naka duty. A report indicated suspicious movement, including footprints and possible smuggling activity in the area. It was alleged that when a floating object was noticed, the petitioner failed to respond despite being alerted by his colleague, and remained inactive. This raised suspicion regarding his conduct during operational duty.

3. Subsequently, his mobile phone was seized and subjected to forensic analysis, which revealed that he had been using an undeclared mobile device during duty hours in violation of standing instructions, and had been in contact with certain individuals allegedly involved in smuggling activities in the border area. This discovery prompted further scrutiny of his activities, including an examination of his financial transactions.

4. Upon inquiry, it was found that significant sums of money had been credited into his personal bank account as well as accounts held in the name of his wife during the same period of deployment. These transactions, involving multiple deposits and transfers from various individuals, appeared disproportionate to his known sources of income and lacked immediate explanation.



5. On 25.11.2023, the Petitioner was issued a charge sheet by the Commandant, 118 Battalion, Border Security Force ('BSF') under Sections 40 and 22(e) of the BSF Act. The five charges against the Petitioner were as follows:

“

<p><b><u>FIRST CHARGE</u></b> <b><u>BSF ACT 1968</u></b> <b><u>UNDER</u></b> <b><u>SECTION 40</u></b></p>	<p><b><u>AN ACT PREJUDICIAL TO GOOD ORDER AND DISCIPLINE OF THE FORCE</u></b> in that he, in between 13.09.2022 to 13.01.2023 while deployed at BOP Sahebkhali, 118 Bn BSF received following amounts in his ICICI Bank Account number 402301500360 (Branch Dunlop, Kolkata) through active smugglers/civilians in border area being 'facilitation' money in lieu of permitting smuggling across Indo-Bangladesh Border :- (i) On 28.10.2022 received Rs. 2,000/- from SKayal. (ii) On 10.12.2022, received Rs. 1200/- (in two transactions Rs. 600/- each) from MD Mustaq who is an active smuggler in border area. (iii) On 21.12.2022, received Rs. 15,000/- and on 23.12.2022, received Rs. 19,000/- (in two transactions Rs. 14,000/- + Rs. 5,000/-) from Krishnendu Sarkar of Dulduli who is an active smuggler in border area. (iv) On 13.09.2022, 16.09.2022 &amp; 28.12.2022, received Rs. 5,000/-, Rs. 2,000/- &amp; Rs. 3,000/- respectively from Manindra Baulia of Kalitala Market near Samshernagar.</p>
<p><b><u>SECOND CHARGE</u></b> <b><u>BSF ACT 1968</u></b> <b><u>UNDER</u></b> <b><u>SECTION 40</u></b></p>	<p><b><u>AN ACT PREJUDICIAL TO GOOD ORDER AND DISCIPLINE OF THE FORCE</u></b> in that he, while deployed at BOP Sahebkhali, 118 Bn BSF have received Rs. 2,16,700/- on various dates in between 03.10.2022 to 23.01.2023 in his ICICI Bank Account number 402301500360 (Branch Dunlop, Kolkata). On inquiry, he clarified that an amount of Rs. 1,62,700/- was transferred from his wife account number 22100005560558 of Fincare small finance bank and self SBI account number 20237971292 to his ICICI Bank account number 402301500360. There was a difference of Rs. 54,000/- which was received in his</p>



	<p><i>ICICI Bankaccount in excess of the amount transferred from hiswife, but he failed to submit any explanation to this. On further inquiry about the source of Rs1,62,700/- whichwas transferred from his wife account number22100005560558 of Fincare small finance bank and self</i></p> <p><i>SBI account number 20237971292 to his ICICI bankaccount, it was told that this amount was withdrawn from Punjab National Bank account number1695001700023602 of his wife and further transferred to this fincare account through a cyber café, but, individualfailed to submit any account statement of that Punjab National Bank account to verify his claim and to know thesource of this money.</i></p>
<p><b><u>THIRD CHARGE</u></b> <b><u>BSF ACT 1968</u></b> <b><u>UNDER</u></b> <b><u>SECTION 40</u></b></p>	<p><b><u>AN ACT PREJUDICIAL TO GOOD ORDER AND DISCIPLINE OF THE FORCE</u></b></p> <p><i>in that he,</i></p> <p><i>while deployed at BOP Sahebkhali,'E'Coy, 118 Bn BSF, received an amount of Rs. 1,95,400/- on variousdates in the Fincare Small Finance Bank account of hiswife namely Mrs Putul Kumari (Account number22100005560558) from various personnel includingShuvojit Dolui, but he failed to explain the sources and</i></p> <p><i>purpose of receiving this money which questions about the motive behind receiving this money.</i></p>
<p><b><u>FOURTH CHARGE</u></b> <b><u>BSF ACT 1968</u></b> <b><u>UNDER</u></b> <b><u>SECTION 40</u></b></p>	<p><b><u>AN ACT PREJUDICIAL TO GOOD ORDER AND DISCIPLINE OF THE FORCE</u></b></p> <p><i>in that he,</i></p> <p><i>while deployed at BOP Sahebkhali,'E'Coy 118 Bn BSF, individual through his and his wife's accounts madea chain of transactions in between accounts number402301500360 of ICICI Bank, account number20237977292 of SBI Bank (both self), account number22100005560558 of Fincare small finance bank andaccount number 1695001700023602 of Punjab National Bank (both wife's account) deliberately for layering the</i></p> <p><i>illegal amounts received in their account fromunauthorized sources/ smugglers. This indicates thecriminal intent of individual to deceive the system andhide his financial transaction by layering.</i></p>
<p><b><u>FIFTH CHARGE</u></b> <b><u>BSF ACT 1968</u></b> <b><u>UNDER</u></b></p>	<p><b><u>NEGLECTING TO OBEYA GENERAL ORDER</u></b></p> <p><i>in that he,</i></p> <p><i>while deployed at BOP Sahebkhali under 'E' Coy,118</i></p>



2026:DHC:3133-DB



<p><u><b>SECTION</b></u> <u><b>22(e)</b></u></p>	<p><i>Bn BSF during the period from 01.06.2022 to 31.01.2023 have made 41, calls through his mobilephones [Model No SAMSUNG SM-A135F having 02 SIMs [SIM No. 8252494016-JIO &amp; 8434512750 -Airtel] during his deployment in OP duty, Camp guard and ACP duty after lodging only the entry of mobile phone in mobile deposit register, whereas he kept his mobile phone with him for making calls during duty hours without any intimation to his superiors which is gross violation of the instructions regarding prohibition for using mobile phone during duty hours issued by HQ Spl DG(EC) BSF Kolkata vide their L/No. 5201/Ops/SOP/SDG(EC)/ BSF/2021/1209-14 dated 21.01.2021.</i></p>
------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

6. The Petitioner pleaded guilty to the first and fifth charges and not guilty to the remaining charges. In respect of the contested charges, upon consideration of the material on record, the Commandant/Presiding Officer, Summary Security Force Court found him guilty of all charges and, taking into account his service record, and dismissed him from service on 02.12.2023.

7. Aggrieved by the aforesaid, the Petitioner filed a Statutory Petition before the Director General, BSF. The appellate authority *vide* order dated 06.06.2025, held that the conviction was supported by evidence and that due process had been followed, and accordingly dismissed the appeal, affirming the Petitioner's dismissal from service.

8. Aggrieved thereby, the present Petition has been filed.



2026:DHC:3133-DB



9. The learned counsel for the Petitioner submits that the Petitioner has been wrongly dismissed from service. He submits that the Petitioner has been falsely implicated in allegations of involvement in smuggling activities solely on the basis of routine financial transactions in his and his wife's bank accounts, without any cogent evidence establishing nexus with any illegal activity.

10. He submits that the transactions in his bank account were loans he had taken and routine transactions with persons connected to the Border Security Force, and none of the transactions in the accounts were with individuals linked to any smuggling activities.

11. He submitted that the Petitioner was neither afforded a meaningful opportunity to cross-examine witnesses nor were material witnesses, including persons involved in the alleged transactions and forensic experts, examined during the proceedings.

12. He further submits that the Petitioner, despite not being proficient in English, was made to sign documents without understanding their contents, and his alleged plea of guilt was incorrectly recorded.

13. *Per Contra*, the learned Central Government Standing Counsel submits that the impugned order suffers no infirmity and the appeal filed by the Petitioner against the said order has already been dismissed by the Director General, BSF.

### ***Analysis***



2026:DHC:3133-DB



14. At the outset, it would be apposite to mention that the scope of judicial review in disciplinary matters is well settled. Court exercising power of judicial review does not sit as an appellate authority over the findings of the disciplinary authority and ordinarily does not reappraise evidence. Interference is warranted where the findings are perverse, based on no evidence, or where the inquiry is vitiated by violation of statutory provisions or principles of natural justice.

15. In the present case, the principal contention of the Petitioner is that the financial transactions reflected in his bank account and in the account of his wife were neither illegal nor connected with any smuggling activity. It is urged that such transactions were either loans or routine dealings with known persons, and that no cogent evidence has been brought on record to establish any nexus with unlawful activity.

16. As borne out from the material on record and the findings of the appellate authority, it emerges that all the relevant aspects have been dealt with meticulously by both the presiding officer and the appellate authority, which are succinctly delineated as follows: -

- a) The Petitioner, while deployed at BOP Sahebkhali between June 2022 and January 2023, was found to have received substantial monetary credits from civilians and unauthorised sources in his *SBI Salary Account No. 20237971292 and ICICI Bank Account No. 402301500360* as well as in the accounts maintained in



2026:DHC:3133-DB



the name of his wife, namely *Punjab National Bank Account No. 1695001700023602* and *Fincare Small Finance Bank Account No. 22100005560558*, without furnishing any credible explanation regarding the source or purpose of such receipts.

- b) An amount of *Rs. 2,58,956/-* was credited into the Petitioner's ICICI Bank Account during the period from 03.10.2022 to 23.01.2023, and a further sum of *Rs. 1,38,822/-* was credited into his wife's Fincare account through multiple transactions, the legitimacy of which remained unexplained, thereby raising serious doubt as to the *bona fides* of such financial dealings.
- c) In respect of the first charge, to which the Petitioner pleaded guilty, specific transactions were proved, including receipt of *Rs. 2,000/- on 28.10.2022 from S. Kayal, Rs. 1,200/- on 10.12.2022 from Md. Mustaq, Rs. 34,000/- on 21.12.2022 and 23.12.2022 from Krishnendu Sarkar, and Rs. 10,000/- in September/December 2022 from Manindra Baulia, all credited into his ICICI Bank Account No. 402301500360.*
- d) The Petitioner further pleaded guilty to the fifth charge, namely, the use of an undeclared mobile phone during operational duties, in clear violation of standing



instructions and Standard Operating Procedures governing discipline within the Force.

- e) The forensic analysis of the Petitioner's *Samsung Mobile Phone (Model SM-A135F)* established that he was in possession of an undeclared SIM, namely *Jio No. 8252494016*, and was using mobile number *8507570006* for WhatsApp communications, thereby contravening express operational restrictions.
- f) The call detail records demonstrated that the Petitioner had made and received calls from *Mobile Nos. 9775185206 and 7319517357*, belonging to one *Subrato Barman*, an identified smuggler operating within the area of responsibility of 118 Battalion BSF, thereby evidencing clandestine communication with persons engaged in unlawful activities.
- g) It was further established that the Petitioner made *97 outgoing calls and received 79 incoming calls* on the undeclared mobile device during the relevant period, thereby indicating sustained and unauthorised use of communication channels during active deployment.
- h) The incident dated 30.01.2023, during Boat Naka duty, wherein the Petitioner failed to respond to a suspicious floating object and was found to be inattentive despite being alerted by a colleague, formed part of the



2026:DHC:3133-DB



surrounding circumstances leading to the discovery of the misconduct.

- i) The Petitioner was found to be in violation of explicit instructions issued by the competent authority prohibiting the carrying and use of mobile phones during duty hours, and requiring declaration and deposit of such devices, thereby constituting neglect of lawful orders.
- j) The prosecution evidence, including testimony of bank officials and documentary records such as bank statements, call detail records, and forensic reports, remained uncontroverted, as the Petitioner neither effectively cross-examined the witnesses nor led any defence evidence.

17. The cumulative effect of the aforesaid material led to a reasonable and substantiated inference that the Petitioner had engaged in unauthorised financial dealings, maintained contact with known smugglers, and conducted himself in a manner prejudicial to good order and discipline of the Force. The misconduct was further aggravated by the fact that the Petitioner was a repeat offender, having been punished on four prior occasions for disciplinary infractions, thereby demonstrating a pattern of disregard for established norms and orders.

18. It is discernible from the above that the Petitioner unequivocally pleaded guilty to the first and fifth charges framed against him. The



evidentiary record further discloses that, despite having been afforded adequate opportunity, the Petitioner did not lead any defence evidence before the Commandant to substantiate his contention that the impugned transactions were legitimate. Not a single individual, from whom the Petitioner allegedly procured loans or with whom he allegedly engaged in routine transactions, was produced as a witness. It is also relevant to note that four prosecution witnesses, including bank officials, were examined to establish the pattern, frequency, and nature of the financial transactions in question. The Petitioner was afforded full opportunity to cross-examine each of these witnesses; however, he consciously chose not to avail of the same.

19. The Presiding Officer as well as the Appellate Authority have passed detailed and reasoned orders, addressing all the aspects on which the Officer was held guilty. It is trite law that disciplinary proceedings are not governed by the strict standard of proof applicable to criminal trials, namely proof beyond reasonable doubt, but rather by the test of preponderance of probabilities. Viewed in this light, considering the fact that the Petitioner failed to produce any evidence in his defence during the proceedings before the Commandant, the conclusions arrived at cannot be characterised as perverse, arbitrary, or unsupported by evidence.

20. It also cannot be lost sight of that the Petitioner was serving in a disciplined force entrusted with sensitive border duties. Allegations pertaining to financial dealings with individuals involved in smuggling activities strike at the very root of institutional integrity. In



2026:DHC:3133-DB



such circumstances, a strict view of misconduct is not only justified but necessary to maintain discipline and public confidence. The punishment imposed, therefore, cannot be said to be disproportionate to the gravity of the charges proved.

21. The subsequent plea, now, urged before this Court, that the Petitioner was denied the opportunity to cross-examine witnesses, and that his plea of guilt was obtained without a proper understanding of its implications, does not inspire confidence. Significantly, these grounds were not raised in the Statutory Petition preferred before the Appellate Authority. Such contentions have been raised for the first time in the present writ proceedings after an inordinate lapse of nearly two years, and seem to be mere afterthoughts of the Petitioner.

22. The Petitioner's contention that he was unable to comprehend the proceedings on account of him not understanding English, and that he appended his signatures on documents without understanding their contents, is equally untenable. The record reflects that a "*friend of the accused*" had been duly appointed to assist the Petitioner throughout the proceedings. The said individual has also endorsed, by way of his signature, the order dated 23.11.2023, whereby the Petitioner entered a plea of guilt in respect of the first and fifth charges. In such circumstances, it is difficult to accept that the Petitioner was left unguided or was unaware of the nature and consequences of his plea.

23. Hence, in view of the foregoing, no cogent material has been brought forth so as to warrant interference with the impugned order.



2026:DHC:3133-DB



The view taken by the Presiding Officer is a plausible and reasoned one, founded on the material available. It is well-settled that such a view cannot be substituted in exercise of writ jurisdiction merely because another possible view may also exist.

24. The writ petition is accordingly dismissed, along with pending application(s), if any.

**AMIT MAHAJAN, J.**

**ANIL KSHETARPAL, J.**

**APRIL 16, 2026**

*DV*