



2026:DHC:3620-DB



\$~66

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

Date of Decision: 27.04.2026

+ W.P.(C) 5645/2026, CM APPL. 27708/2026 and CM APPL. 27709/2026

ASST. COMMANDANT DEO DUTT SHARMAPetitioner
Through: Mr. V. S. Dubey, Adv.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Vinay Yadav, CGSC along
with Ms. Kamna Behrani and
Ms. Ayushika Mishra, Advs.
and Inspector Abhishek Singh –
BSF.
Mr. Vanshul Pali, GP

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T (O R A L)

ANIL KSHETARPAL, J.:

1. By way of the present Petition, the Petitioner, who is serving as an Assistant Commandant in the Border Security Force [‘BSF’], prays for the following reliefs:

“a) Issue a writ of Mandamus, or any other appropriate writ, Quash the impugned order dated 23.12.2024 passed by the Director General, BSF and the order of the GSFC dated 10.09.2022 and all the consequential orders thereof;

b) Direct that the penalty/punishment, if any, be computed from the date of the alleged incident i.e., 15.05.2020, and not from the date of the impugned order i.e., 10.09.2022;

c) Quash and set aside the adverse ACRs for the period 01.04.2021 to 18.10.2021;



2026:DHC:3620-DB



d) Direct grant of all consequential benefits, including consideration for promotion;

e) Direct disposal of the Petitioner's representation dated 07.11.2025 by a proper reasoned speaking order;”

2. At the outset, it is noted that prayer (c) does not survive for consideration in view of the submission that the Petitioner's representation concerning the adverse ACRs has already been decided on 16.01.2026. Accordingly, the said relief has become infructuous.

FACTUAL MATRIX

3. The Petitioner, while serving as Company Commander at BOP Naggi, 91 Battalion, BSF, was involved in an incident dated 15.05.2020, when an Army delegation visited the said post for inspection of communication equipment.

4. Allegations were levelled against the Petitioner regarding failure to behave appropriately during the said visit. The conduct was perceived as improper in the context of inter-force coordination and discipline. Consequently, disciplinary proceedings were initiated against the Petitioner, and he was tried before a duly constituted General Security Force Court ['GSFC'].

5. During the course of the GSFC proceedings, the prosecution examined seven (07) witnesses. The Petitioner was afforded full opportunity to defend himself and examined five (05) defence witnesses.

6. Upon appreciation of the evidence on record, the GSFC returned findings adverse to the Petitioner. By order dated 10.09.2022,



the GSFC imposed the following punishment:

“To forfeit five years of service for the purpose of promotion and to be severely reprimanded.”

7. The Petitioner preferred a statutory appeal, which culminated in the order dated 23.12.2024 passed by the Director General, BSF, affirming the findings and punishment awarded by the GSFC

8. The present Writ Petition has been filed on 28.01.2026, i.e., after more than one year from the date of the appellate order.

CONTENTIONS ON BEHALF OF THE PETITIONER

9. Learned counsel for the Petitioner confined his submissions to the contention that the punishment imposed ought to be computed from the date of the incident i.e., 15.05.2020, and not from the date of the order i.e., 10.09.2022. It was argued that failure to do so results in disproportionate consequences, as the Petitioner has already suffered adverse service implications during the intervening period.

ANALYSIS & FINDINGS

10. This Court has carefully considered the submissions advanced and perused the material on record.

11. The scope of judicial review in matters arising out of disciplinary proceedings, particularly those conducted by specialized forces such as the BSF, is limited. Interference is warranted only in cases involving procedural illegality, violation of principles of natural justice, patent perversity in findings, or where the punishment is so disproportionate as to shock the conscience of the Court.



2026:DHC:3620-DB



12. In the present case, no argument has been advanced challenging the fairness of the GSFC proceedings, the adequacy of opportunity afforded to the Petitioner, or the correctness of the findings on merits. The sole issue raised pertains to the date from which the punishment is to operate.

13. The contention that the punishment should relate back to the date of the incident is fundamentally misconceived. It is a settled principle of service jurisprudence that punishments imposed pursuant to disciplinary proceedings operate prospectively, unless expressly provided otherwise. A disciplinary authority cannot impose a penalty with retrospective effect so as to alter past service conditions in the absence of specific statutory sanction.

14. In the present case, the order of punishment was passed on 10.09.2022. There is nothing on record to indicate that the competent authority intended, or was empowered, to give retrospective effect to the punishment from the date of the incident.

15. The submission that the Petitioner has suffered certain consequences during the pendency of proceedings does not justify retrospective operation of the penalty. Such consequences are incidental to disciplinary proceedings and cannot be equated with formal punishment imposed upon conclusion of the inquiry.

16. It is also noteworthy that the Writ Petition has been filed after a considerable lapse of time from the date of the order dated 23.12.2024. It is further noted that no other submission has been advanced by learned counsel for the Petitioner.



2026:DHC:3620-DB



CONCLUSION

17. In view of the above discussion, this Court finds no infirmity in the orders passed by the competent authorities.

18. Accordingly, the Writ Petition, along with pending applications, is dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

APRIL 27, 2026

s.godara/pal