

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

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Date of decision: 17th December, 2015

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W.P.(C) 3610/2015 & CM No.6436/2015 (for directions).

PRABHU DAYAL DANDRIYAL

..... Petitioner

Through: Mr. R. Sathish, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Anil Soni, CGSC and Naginder Benipal, Adv. for R-1 to 3.
Mr. R.V. Sinha and Mr. A.S. Singh, Adv. for R-5.
Mrs. Rajdipa Behura, SSP with Mrs. Monica Gupta, Adv. for R-8.

CORAM:-

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

RAJIV SAHAI ENDLAW, J.

1. This petition filed as a Public Interest Litigation (PIL) seeks a mandamus to the respondents no.1&2 i.e. Ministry of Defence of the Government of India and the Defence Research & Development Organisation (DRDO) to take appropriate action to prosecute the respondent no.4 Dr. Arvind Kumar Saxena working as Director in Defence Materials & Stores Research & Development Establishment (DMSRDE) Kanpur, Uttar Pradesh and other officers working in the said office of DMSRDE, under the Prevention of Corruption (PC) Act, 1988 on the basis of information

contained in the 12 complaints made by the petitioner and to conduct consequential investigation in accordance with law.

2. Finding that the petition is directed against a particular official i.e. the respondent no.4 and that the petitioner is a retired official of the DRDO and being apprehensive that the petition in the garb of public interest, may be to serve the personal interest and personal vendetta of the petitioner, we, instead of issuing formal notice of the petition asked the learned ASG appearing for the respondents no.1 to 3 on advance notice, to inform to us of the action if any taken on the complaints and otherwise in the matter.

3. We were informed that a PIL being PIL No.29442/2015 of the High Court of Allahabad filed by one Mr. Navin Prakash Gupta with similar allegations was dismissed on 21st May, 2015 observing that “No valid case has been made out for the exercise of the jurisdiction in the public interest. The petition appears to be filed to pursue extraneous ends and is not a genuine recourse to the jurisdiction in a PIL”.

4. The learned ASG further confirmed that a Fact Finding Committee had been constituted to go into the complaints of the petitioner as well as

others against the respondent no.4 and the Report of the said Committee was handed over to us in a sealed cover.

5. We have opened the sealed cover and have perused the Reports of the Fact Finding Committee constituted to look into the complaints.

6. The counsel for the petitioner of course contended that no action is being taken thereafter also. Reliance was placed by him on *Lalita Kumari Vs. Government of Uttar Pradesh* (2014) 2 SCC 1 to contend that all Reports are to be made public and action on the basis thereof to be taken immediately.

7. The respondents are found to have acted on the basis of the complaints of the petitioner by constituting the Fact Finding Committee and which Committee has rendered its Report and we have no doubt that the respondents no.1 to 3 would expeditiously take action in accordance with law with respect thereto. This Court cannot allow the tool of PIL to be misused for intra office rivalries and to enable one officer to score over another, especially when the authorities concerned are not found to be lacking. Of course in a given case, considering the gravity of the matter the Court may deem it appropriate to expedite the action and/or issue other

directions in that respect. We however, do not find the present to be such a case.

8. Supreme Court in ***Sachindanand Pandey Vs. State of West Bengal*** (1987) 2 SCC 295 held that in a public interest petition, Court in order to check and prevent misuse of remedy ought to examine the motive if any of the petitioner and asked itself the question, “is there anything more than what meets the eye”. Similarly, in ***Chhetriya Pradushan Mukti Sangharsh Samiti Vs. State of U.P.*** (1990) 4 SCC 449 it was held that where it appears that the PIL is only a cloak to feed any grudge or enmity, the same should not only be refused but also strongly discouraged. Yet again in ***Gurpal Singh Vs. State of Punjab*** (2005) 5 SCC 136 it was held that PIL is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest, an ugly private malice, vested interest is not lurking. It was held that the attractive brand name of PIL should not be allowed to be used for suspicious products of mischief. The Supreme Court held that when a particular person is the object and target of a petition styled as a PIL, the Court has to be careful to see whether the attack in the guise of PIL is really

intended to unleash personal grouse. It was reiterated that in service matters PIL cannot be filed.

9. We therefore dispose of this petition with a direction to the respondents to take the Report of the Fact Finding Committee to its logical conclusion.

No costs.

RAJIV SAHAI ENDLAW, J.

CHIEF JUSTICE

DECEMBER 17, 2015
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