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

+ W.P.(C) 10245/2016 & C.M.Nos.40435-40436/2016

DAYANAND KATARIA Petitioner

Through Mr.Rohit Sharma, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY AND ANR..... Respondents

Through Mr.Dhanesh Relan, standing counsel
for DDA.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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02.11.2016

Present writ petition has been filed seeking a direction to the respondents to conduct a fair and impartial enquiry into the complaints of corruption against Mr. Balvinder Kumar, former Vice-Chairman, DDA, in a time bound manner.

The petitioner, who was posted in DDA under the Central Staffing Scheme as Principal Commissioner, has lodged repeated complaints with respondent No.2 against various alleged anomalies and corrupt acts done by Mr. Balvinder Kumar. However, it is the petitioner's case that respondent No.2 has failed to act upon the said complaints despite repeated reminders from the petitioner.

A perusal of the paper book reveals that on 20th June, 2016, the Central Vigilance Commission (CVC) after examining the petitioner's complaints forwarded the same to the CVO, DDA for necessary action. It was further noted in the said order that no further

report was required to be sent to the Commission.

Learned counsel for the petitioner states that on 1st July, 2016, respondent no.2 had asked the petitioner to appear before it on 8th July, 2016. He, however, points out that the said letter was received only on 11th July, 2016. He states that thereafter the petitioner has repeatedly sought an opportunity to appear before respondent no.2.

This Court has perused the paper book and finds that the prayers sought in the present writ petition are extremely wide and in the opinion of this Court 'quite unique'. The prayer clauses of the writ petition are reproduced hereinbelow:-

- “(i) Issue a writ of mandamus directing the Respondent No.1 and 2 to conduct a fair and impartial enquiry into the complaint of corruption against Sh. Balvinder Kumar, IAS (UP-1981) the then Vice Chairman DDA within a time bound manner, preferably within a period of one month; AND*
- (ii) Direct the Respondent No.1 and 2 to join the Petitioner in the enquiry proceedings with adequate prior notice of at least one week, and to make available the relevant records for perusal of the Petitioner; AND*
- (iii) Direct the Respondent No.1 and 2 to conduct the enquiry strictly in accordance with applicable provisions of CVC's Vigilance Manual, Volume I, in particular relating to seizure of relevant records and calling of concerned officers named by the Petitioner in his letter dated 11.07.2016; AND*
- (iv) Direct the Chief Vigilance Officer to place the enquiry report before this Hon'ble Court for further directions; AND*
- (v) Pass such further and other orders as the Court may deem fit in the circumstances of the present case may require”.*

(emphasis supplied)

It is not understood as to how the petitioner gets a right to join the enquiry proceedings at this stage. The petitioner also seems to

have mistaken this Court to be a super Chief Vigilance Officer under whose jurisdiction the Chief Vigilance Officer is supposed to conduct his enquiry.

It is pertinent to mention that the allegations made by the petitioner have not been found worthy of investigation by the Central Vigilance Commission by itself. It had also directed that the CVO, DDA to examine the necessary issues but clarified that no further report be sent to it.

A perusal of the paper book also reveals that at the instance of Mr. Balvinder Kumar, the petitioner had been repatriated, which had led to filing of a writ petition by the petitioner, which was ultimately dismissed by a Division Bench of this Court vide judgment dated 20th October, 2015.

In any event, since only four and a half months have elapsed since the matter was forwarded to the CVO, DDA by the CVC, this Court is of the view that it is not a fit case for this Court to interfere in its extraordinary writ jurisdiction.

Keeping in view the aforesaid, the present writ petition and the applications are dismissed.

MANMOHAN, J

NOVEMBER 02, 2016
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