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

+ W.P.(C) 5945/2015 & CM No.10771/2015

SUDEER ASSOCIATES

..... Petitioner

Through: Mr V. Sudeer with Ms Monika Yadav,
Advocates

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Maninder Singh, ASG with Mr
Jasmeet Singh, CGSC for UOI
Mr Naushad Ahmed Khan, ASC (Civil)
with Ms Astha Nigam, Advocate for
GNCTD

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **08.09.2016**

In this writ petition there is a challenge to notifications dated 23.07.2014 and 21.05.2015 issued by the Ministry of Home Affairs, Government of India. The learned counsel for the respondents point out that these very notifications were the subject matter of challenge in W.P. (C) 5888/2015 (Govt. of NCT of Delhi and Ors. vs. Union of India & Ors.) and other connected writ petitions before another bench of this Court. That Division Bench has pronounced judgment on the said matters on 04.08.2016 and therefore the present petition is entirely covered by the said decision dated 04.08.2016.

The petitioner in person, however, submits that the said notifications were found to be valid but the plea that is sought to be raised in the present petition was not one of the pleas considered by that bench. According to him, the notifications were bad because the jurisdiction of the Anti Corruption Branch (ACB) had been

extended only to the officers and employees of the Government of NCT of Delhi and was not to apply to the officers, employees and functionaries of the Central Government.

It was pointed out to us by the learned counsel for the respondents that in paragraph 165 of the decision of the Division Bench dated 04.08.2016, it has been specifically noted that the notifications were challenged primarily on two grounds. One of the grounds being that the impugned notifications were aimed at creating a special class of functionaries by providing that the jurisdiction of the ACB was extended only to the officers and employees of the Government of NCT of Delhi and as such it was arbitrary, illegal and violative of Articles 14 and 239 AA of the Constitution.

It is therefore clear that the argument sought to be raised before us in this petition was also raised before the Division Bench which culminated in the decision dated 04.08.2016 and the said argument was rejected. The Division Bench clearly held that the directions in the impugned notifications that the ACB, Police Station shall not take cognizance of offences against the officers and employees of the Central Government was neither illegal nor unconstitutional. Consequently, owing to the decision of the Division Bench dated 04.08.2016, this being a covered matter, the present writ petition is also dismissed. However, there shall be no order as to costs.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

SEPTEMBER 08, 2016

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