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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 4/2016
GROUP CAPT (DR) B S NAYYAR Petitioner
Through: Mr. Avneesh Garg, Advocate

versus

UNION OF INDIA & ORS. Respondents
Through: Mr. Kirtiman Singh, Central
Government Standing Counsel
& Mr. Waize Ali Noor & Mr.
Gyanesh Bhardwaj, Advocates

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUNIL GAUR

O R D E R

% **16.02.2016**

C.M. 28/2016 (u/S 5 of The Limitation Act)

For the reasons stated in the application, delay of thirty seven days in re-filing the accompanying petition is condoned.

Application is disposed of.

W.P.(C) 4/2016

1. The present petition has been filed by the petitioner praying *inter alia* for issuance of a writ of mandamus to the respondent No.1- Ministry of Defence, Government of India; respondent No.2- Chief of the Air Staff; respondent No.3- Air Officer Commanding and respondent No.4- Chief Vigilance Commissioner to take action on his complaint dated 21st May, 2014 by conducting an inquiry and taking action against the delinquent officers.
2. Vide letter dated 21st May, 2014, the petitioner had addressed

a complaint to the then Air Officer Commandant, Shri S. Kulkarni, stating *inter alia* that there were some irregularities and mismanagement of service resources at 13 BRD, AF, Palam and several attempts had been made by him to bring the said irregularities to his notice but no action has been taken. The letter concludes by stating that the petitioner be informed in writing about the issues raised by him. This was followed by reminders dated 12th September, 2014; 13th August, 2015 and 14th September, 2015. Having failed to hear from the respondents, the petitioner filed the present petition in October, 2015.

3. On the last date of hearing, i.e. on 5th January, 2016, while issuing notice of the present petition, the respondents were directed to produce the relevant records.

4. Mr. Kirtiman Singh, learned Central Government Standing Counsel, has produced the records for our perusal, with a copy to the counsel for the petitioner, which reveals that all the complaints made by the petitioner were first investigated by the Vigilance Department of the Provost Unit and a report dated 11th August, 2015 was prepared by the Asst. Martial (Provost). The said report was forwarded to the S.O. Provost, who considered the same and recommended that no cognizance be taken on the petitioner's

complaint.

5. Vide letter dated 7th September, 2015, the said opinion was forwarded to the Head Quarters and duly considered by the Director, Provost Martial (Vigilance), who vide letter dated 6th October, 2015 observed that the allegations spelt out in the petitioner's representation could not be substantiated and recommended that no further action be taken. The said report was finally approved by the PM, Provost Martial vide letter dated 7th October, 2015.

6. Learned counsel for the petitioner insists that the respondents have not carefully examined his complaint and have failed to redress the grievances raised therein.

7. If that is the case, then the petitioner is at liberty to approach the higher authority within the department for ventilating his grievances.

8. The present petition is disposed of, with liberty granted to the petitioner, as noted above.

HIMA KOHLI, J

SUNIL GAUR, J

FEBRUARY 16, 2016

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