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

+ W.P.(C) 76/2016

VIJAY PAL

..... Petitioner

Through Mr.Anshul Masih, Advocate

versus

STATE NCT OF DELHI AND ORS.

..... Respondents

Through Mr.Sanjoy Ghose, ASC for GNCTD.

Mr.Sanjeev Narula, CGSC with
Mr.Ajay Kale and Mr. Abhishek
Ghai, Advs. for UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **23.05.2016**

1. The present public interest litigation is filed seeking a writ of mandamus to direct respondents No. 1 to 5 to cancel the tender/contract allotted to respondents No.6 to 8, their associates, business identity in the hospitals of Government of NCT of Delhi, Municipal Corporation of Delhi and Union of India. A writ of prohibition is also sought against respondents No. 1 to 5 prohibiting them from awarding any tender/contract in respect of Class IV employees in the hospitals managed by respondents No.6 to 8, their associates, business identity. Directions are also sought for a judicial inquiry in respect of the alleged collusive conduct of the employees of respondents No. 1 to 5 with respondents No. 6 to 8.

2. In the petition, the petitioner claims that he is a social worker and public spirited person raising matters of public importance. He off course

mentions that he was appointed as a Nursing Ardali in the year 2005 with Bhagwan Mahavir Hospital through respondent No.6. He further alleges that respondents No. 6 to 8 are closely related to each other and are procuring tenders for government hospitals from respondents No.1 to 5. It is urged that respondents No. 1 to 5 in collusion and in connivance with their officials are acting in a highly unjust, unreasonable and unwarranted manner to award contracts of labour to respondents No. 6 to 8 motivated by vested interest. Respondent No.6 is stated to have a good nexus and connection with the administrators of various government hospitals operating and functioning in Delhi. It is further alleged that respondent No.6 induces and allures the public at large that he is authorized to by the Government to recruit the staff for and on behalf of the Government. It is urged that poor persons acting in good faith and belief on the assurances of respondent No.6 of getting permanent jobs in the Government give hefty amount. The said persons are, it is claimed, deployed on contract labour and after 7 and 8 years are fired in violation of labour laws.

3. It is further urged that the petitioner and other persons have filed proceeding before the National Commission for SC/ST, proceeding before Central Administrative Tribunal and 42 labour cases are pending against respondents No. 6 to 8 and their business identity. However, in the next para itself it is stated that a detailed enquiry showed that there are 450 cases pending adjudication against respondents No. 6 to 8 in respect of violation of provisions of Industrial Disputes Act, 1947, Minimum Wages Act, Payment of Wages At, Gratuity Act, ESI Act and other labour laws. It is also admitted that the petitioner has made a complaint to the police on the basis

of which FIR No. 636/2013 under Section 420/34 IPC was registered against respondent No. 6 on 17.10.2013 in P.S. Mangol Puri.

4. When the matter came up for hearing on 06.01.2016, this court had directed the petitioner who was the former employee of respondent No. 6 to file an affidavit furnishing details of his employment under respondent No.6, reasons for termination and the details of litigation pending between the petitioner and respondent No.6. The petitioner has now filed an affidavit where he has confirmed that he was working with respondent No. 6 from 2005 to 2009 and thereafter, with respondent No. 8 from 2010 to 31.12.2012. His services were terminated w.e.f. 31.12.2012. It is further stated that a meeting was convened on 02.02.2013 where 60 persons unanimously conferred powers on the petitioner and one Shri Anish to institute legal proceedings against respondents No. 6 to 8 respectively. It is thereafter pointed out that the petitioner has got FIR No. 636 of 2013 registered against respondent No.6 and criminal proceedings are pending before the MM, Rohini Court, Delhi. In addition, proceedings have also been initiated before Central Administrative Tribunal, before the Labour Court, Kakardoom, Delhi and before the ESI Commissioner. Given the number of cases filed by the petitioner against respondents No.6 to 8, it is clear that the present petition is motivated by a personal grudge.

5. Reference may be had to the judgment of the Supreme Court in the case of ***Kansing Kalusing Thakore & Ors. vs. Rabari Maganbhai Vashrambhai & Ors., 2006 (12) SCC 360.*** The Supreme Court held as follows:-

“16. We have given our careful consideration for the rival submissions made by the respective counsel appearing for the respective parties. The writ petition filed by the respondents herein is an abuse of the process of the Court. By this PIL, the respondents sought to ventilate/redress their personal grievances inasmuch as they are able to holding clout in Village Rasana Nana and were enjoying illegal possession in several lands contained under said survey Nos. 125 and 126..... This Court in a catena of decisions held that only a person acting bonafide and having sufficient interest in the proceeding of PIL will alone have locus standi and can approach the Court to wipe out the tears of the poor and needy suffering from violation of their fundamental rights but not a person for personal gain or private profit or political or any oblique consideration. The High Court ought to have rejected the writ petition at the threshold as observed by this court in (MANU/SC/0532/1992) 1993 CriLJ 600 *Janta Dal v. H.S. Chaudhary and Ors.* In our opinion, the writ petition filed by the respondents was not aimed at redressal of genuine public wrong or public injury but founded on personal vendetta. It is the duty of the High Court not to allow such process to be abused for oblique considerations and the petitions filed by such busy bodies deserves to be thrown out by rejection at the threshold and in appropriate cases with exemplary costs.”

6. A perusal of the facts of this case clearly show that the petitioner is not a disinterested person as is claimed in the writ petition. This petition is motivated by personal grudge/vendetta and deserves no consideration by this court. In view thereof, the present wit petition is dismissed.

CHIEF JUSTICE

JAYANT NATH, J.

MAY 23, 2016/rb