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

+ **W.P.(C) 3426/2017 and CM No. 14960/2017**

RAHUL GARG

..... Petitioner

Through: Mr Rajiv Tyagi and Mr Aman
Chopra, Advocates.

versus

**THE JOINT SECRETARY (PSP)
& CPO & ORS**

..... Respondents

Through: Mr Praveen Kumar Jain, Advocate for
R-1, 2 & 4.
Mr Saurabh Chadda with Mr Ishan
Kashyap, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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21.07.2017

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

"a) Issue a Writ of Certiorari or any other appropriate Writ, Order or direction, calling for the records pertaining to the withholding of the Petitioner's Application for renewal of his Passport No. Z-3001986 and after perusing the same as to their legality and validity, quash the Order dated 7.1.2015 passed by the Respondent No.2, impounding the Passport of the Petitioner and direct the Respondents to forthwith renew and reissue the Petitioner's Passport No. Z-3001986 within such time, as this Hon'ble Court may be pleased to allow;"

2. The petitioner states that he is a professionally qualified engineer and also holds a Post Graduate Diploma in Business Administration with specialization in Finance. He states that he is currently working with a

multinational company - Tech Mahindra Ltd. - and in the course of his employment is required to travel outside India frequently.

3. The petitioner was issued a passport (bearing no. L-6635090) - as the sheets of the earlier passport had already been filled up - by the Indian Embassy at Saudi Arabia. Thereafter, the petitioner was issued another passport, that is, Z-3001986. The petitioner states that he was desirous of renewing the passport and, therefore, searched various websites for finding agencies rendering passport assistance. He also provided his contact details for eliciting a response from such agencies. The petitioner states that he received a call from one Manoj Shukla from Shraddha Travels at House No.3, Ground Floor, Mohammedpur, Near Bhikaji Cama Place, New Delhi who offered to render services for renewal of passport.

4. The petitioner claims that he signed the documents as prepared by Mr Manoj Shukla for submitting his application for renewal of his passport. However, it transpires that attestation on some of the documents were fraudulent/forged as it is alleged that the persons who had purportedly attested the documents, were fictitious (not in existence). This resulted in the petitioner's passport (Z-3001986) being impounded on 07.01.2015 on the ground of having been obtained on the basis of fake verification.

5. The petitioner acknowledges that he was in error in seeking help of another person, who turned out to be a tout, and for furnishing incorrect verification. However, he also states that there was no culpability on his part and he was ignorant that the persons attesting the documents were not in existence.

6. The petitioner appealed against the impounding of his passport under Section 11 of the Passports Act, 1967, which was disposed of by an order dated 10.08.2015. The operative part of which reads as under:-

“3. Having gone through all records and in light of full facts and circumstances of the case, I decide as under:

i) Decision of the PO to impound the passport of the appellant is in order since by obtaining passport by submitting fake/forged documents, appellant is guilty of violation of section 10(3)(b) and 12(1)(b) of the Passports Act, 1967.

ii) It has been decided to place the appellant's name in Prior Approval Category (PAC) for a period of **one year** from the date of issuance of this order.

iii) After the expiry of the period of PAC, the appellant may submit a fresh application for passport with the PO, along with an affidavit explaining the reasons for obtaining the fake VC and an undertaking not to repeat such acts in future which will be considered subject to usual checks, procedures and clear Police verification.

vi) The appeal is not allowed.”

7. The petitioner's name was put in the prior approval category (PAC) for one year and that period has expired. It is, thus, seen that the petitioner has already suffered the punitive measure imposed on him for his conduct of filing a form/document that was not genuinely verified. After the period of one year had expired, the petitioner filed another application for re-issue of his passport on 02.09.2016. The petitioner has not received the passport as yet.

8. The petitioner applied under the Right to Information Act, 2005 for

information regarding delay in issuance of the passport. The petitioner's RTI application was responded to by a letter dated 03.01.2017 indicating that the petitioner's passport application has been put on hold because a reply from Crime Branch, Mandir Marg was awaited.

9. Thereafter, the petitioner approached the Assistant Commissioner of Police, Economic Offences Wing, Mandir Marg, New Delhi for seeking further information and it was confirmed that after the respondents had discovered that the travel agent/certain other persons were involved in issuing fake verification, a police complaint was registered as FIR no. 38/2015. Although, the petitioner's name was also mentioned in the FIR, no chargesheet had been filed against the petitioner.

10. The learned counsel for the petitioner has drawn the attention of this Court to a letter dated 16.06.2017 addressed by the Assistant Commissioner of Police, Section-IV, Economic Offences Wing, Delhi Police to the Regional Passport Officer indicating that after investigation of the case, FIR no. 38/2015, PS EOW, the main chargesheet has been filed against 23 persons (which did not include the petitioner).

11. It is apparent from the aforesaid facts that although the petitioner had submitted a false verification certificate, he was an individual applicant and not a part of the racket of arranging false verification certificates. This Court, at this stage, is not called upon to comment on whether any further punitive measure is required to be taken against the petitioner by the police authorities or not as the petitioner's grievance is limited to non-issuance/renewal of his passport.

12. The petitioner having already suffered the punitive measure of being put on hold for one year by the passport authorities, there is no occasion for the petitioner's passport to be withheld on the ground of his submitting a false verification in the earlier round. The information regarding the FIR No. 38/2015 has already been provided to the Regional Passport Officer and it was confirmed that no chargesheet has been filed against the petitioner.

13. Insofar as the police verification is concerned, Regional Passport Officer is directed to initiate the process of obtaining the same, if not already done, within a period of two weeks from today. The concerned police authorities are directed to furnish the report to the (police verification) to the Regional Passport Officer within a period of two weeks thereafter. The Regional Passport Officer will process the petitioner's application immediately thereafter. It is further directed that the petitioner's passport will not be withheld on the ground of the earlier incident of submitting a fake verification, however, if there are any other issues, the same would be considered by the Regional Passport Officer independently. It is also clarified that in case the police authorities pursue the case against the petitioner and the petitioner is charged with an offence, the same shall be dealt with in accordance with law; however, the issuance of passport to the petitioner will not be withheld on that ground.

14. The petition and the pending application are disposed of.

VIBHU BAKHRU, J

JULY 21, 2017
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