

\$~4

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

+ W.P.(C) 7700/2010 & CM Appln. No.20002/2010

MOHAN SINGH MEENA

..... Petitioner

Through: Mr K. C. Mittal, Ms. Ruchika Mittal
and Mr Amit Prakash Shahi,
Advocates.

versus

LT. GOVERNOR OF DELHI & ORS

..... Respondents

Through: Mr Sanjoy Ghose and Ms Urvi
Mohan, Advocates for GNCTD.
Inspector Parveen, Anti Corruption
Branch.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **08.09.2017**

1. The petitioner has filed the present petition, *inter alia*, impugning sanction for prosecution of the petitioner granted by the Chief Secretary, Government of NCT of Delhi. It is the petitioner's case that the Chief Secretary, Government of NCT of Delhi is not competent to grant such sanction. It is stated that the petitioner took charge as a Superintendent, DDO/HO at Training-cum-Production Camp, Tahirpur and the Shelter Workshop for Physically Handicapped at Tahirpur, on 29.11.1997. The petitioner also took charge of the Training-cum-Production Camp at Old Sundar Nagari on 02.12.1997.

2. It is alleged that while the petitioner was holding the above post, he committed various irregularities and had misappropriated funds. A special audit of funds meant for leprosy afflicted persons was also conducted by the

Government of NCT including for years 1996-1999. It is stated that special audit had brought out certain allegations.

3. The Anti Corruption Branch also conducted their independent investigation and an FIR was lodged against the petitioner as well as five other persons on 14.05.2003 under Section 13(1)(d) of the Prevention of Corruption Act, 1988 and 409/467/468/471/120-B IPC. It is stated that certain disciplinary proceedings were also commenced against the petitioner.

4. Mr Mittal, learned counsel appearing for the petitioner had submitted that there was a common FIR filed against five officers and, the Lt. Governor of Delhi had already refused to sanction prosecution in respect of two of the said officers. He submitted that, therefore, the Chief Secretary could not take a contrary view in regard to the petitioner and one other officer.

5. Out of the five officers alleged to be involved in the offences, one was already dismissed from service and, therefore, no sanction for prosecution could be given. With regard to two officers, the Lt. Governor had declined to sanction prosecution. However, the Chief Secretary had granted sanction for prosecution against the petitioner and the remaining officer.

6. Mr Sanjoy Ghose, learned counsel appearing for NCT submitted that the petitioner had already superannuated from service way back in 2012 and, therefore, there was now no requirement for sanction of prosecution under Section 19 of the Prevention of Corruption Act, 1988. He contended that the petition had become infructuous.

7. Mr Mittal, learned counsel appearing for the petitioner submitted that no sanction for prosecution was required and, therefore, the sanction granted earlier by the Chief Secretary ought to be quashed.

8. It is apparent from the above that the question raised in the present petition has been rendered academic and, therefore, this Court does not consider it necessary to examine the same. Clearly, no sanction for prosecution under Prevention of Corruption Act, 1988 is necessary in order for the petitioner to be proceeded against and there is, thus, no necessity to address the issue raised in this petition.

9. The petition and the pending application are, accordingly, disposed of.

VIBHU BAKHRU, J

SEPTEMBER 08, 2017
RK