

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

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Judgment delivered on: 03rd July, 2017

+ W.P.(C) 5111/2015

RAMPAT SINGH

..... Petitioner

versus

UNION OF INDIA & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Sunil Kumar

For the Respondents : Mr. Ankur Chibber with Ms Subhara Parashar for R-1 to 5.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGEMENT

SANJEEV SACHDEVA, J

1. The petitioner, who claims to be the Vice President of the Assam Rifles, Ex-Serviceman Welfare Association, by the present petition, seeks quashing of order dated 26.09.2014 passed by the Director General, Assam Rifles for conducting a departmental inquiry into the alleged “Cash for Contract” corruption issue and for a direction to the Ministry of Defence as well as Ministry of Home Affairs to appoint an independent enquiry/investigation agency to conduct departmental inquiry into the alleged “Cash for Contract” corruption issue.

2. It is contended that the alleged “Cash for Contract” corruption issue was exposed by the Delhi based magazine named ‘Tehelka’.

3. Petitioner claims to have filed representation on 17.12.2014 seeking setting aside of the order passed by the Director General, Assam Rifles initiating departmental inquiry.

4. It is contended that the Magazine ‘Tehelka’ conducted a sting operation in order to expose the corruption within the Assam Rifles. The report of the sting operation was published in the edition of Tehelka Magazine dated 04.10.2014. The sting operation was conducted by ‘Tehelka’ at the behest of one Mr. C.C.Mathew, an enlisted Contractor with Assam Rifles.

5. The Director General, Assam Rifles taking cognizance of the said news article issued an order for initiation of departmental inquiry by the Vigilance Wing of the Assam Rifles.

6. The petitioner seeks investigation by an independent investigation agency on the ground that the Vigilance Wing works under the control and supervision of the Director General and the sting operation has alleged active involvement of the Director General and as such, there is a necessity for appointment of an independent enquiry/investigation agency to enquire into the said issue.

7. The respondents, in their counter-affidavits, have contended that the case of alleged corruption in Assam Rifles came to light from the said news article published on 04.10.2014.

8. It is denied that there is any recognized association by the name of Assam Rifles, Ex-Serviceman Welfare Association of which the petitioner claims to be the Vice President.

9. The present Director General of Assam Rifles had assumed charge on 26.05.2014 and post his taking over, directed a review of all the current projects.

10. It is submitted that the review revealed that the said Mr. C.C.Mathew, Ex-Hawaldar of Assam Rifles have taken a number of contracts from Assam Rifles, which had not been executed. The Inspector General of Assam Rifles initiated steps for blacklisting the said Contractor and for cancellation of the works. After following due process, the said Contractor was blacklisted in September, 2014. When the Contractor became aware that move had been initiated to blacklist the said Contractor, he along with other individuals carried out the sting operation.

11. It is contended that post the sting operation, a preliminary report was sent to the Ministry of Home Affairs and thereafter, an independent Staff Court of Inquiry was ordered on 01.10.2014 as was also directed by Ministry of Home Affairs. All individuals against whom allegations were made were relieved of their duties and attached with Headquarters Inspector General Assam Rifles (East), an independent authority, for detailed investigation. Progress report of the said inquiry was submitted to Ministry of Home Affairs.

12. It is submitted that the Court of Inquiry examined all allegations, Press Reports, Journals, Video Footages and Articles relating to the incidents. The Court of Inquiry examined several witnesses and evidences.

13. It is contended that Mr. C.C.Mathew was also summoned along with other civilian witnesses, *inter alia*, the Chief of News, Mathrubhumi News and Managing Director, Tehelka, however, they refused to depose before the Court. Progress report was submitted to the Ministry of Home Affairs. The Court of Inquiry concluded on 23.12.2014 and the entire proceedings were submitted to the Ministry of Home Affairs.

14. The Court of Inquiry established cogent evidence against certain persons involved. Accordingly, disciplinary action was directed against all the Junior Commissioned Officers (JCOs), four Non-Commissioned Officers (NCOs). Administrative action against one officer and one other rank was also directed. Consequent to the Court of Inquiry Report, a summary of evidence was held.

15. Learned counsel for the respondent contended that the petitioner has filed this petition at the behest of Mr. C.C.Mathew, the Contractor, who was blacklisted by the respondents Assam Rifles for having failed to perform the Contracts, which were awarded to him.

16. It is contended that Mr. C.C.Mathew, who was the complainant on whose behest the sting operation was carried out, took all steps to

avoid appearing before the Court of Inquiry. It is contended that the petition is motivated at the behest of the Contractor, who has been blacklisted by the Assam Rifles for having failed to perform his obligations under the Contract.

17. Learned counsel further submitted that all appropriate steps have been taken to conduct a fair and independent inquiry. The status report of the inquiry conducted had been furnished to Ministry of Home Affairs from time to time and Assam Rifles has taken steps with active involvement of Ministry of Home Affairs.

18. Learned counsel further submits that no ground is made out for directing holding of a fresh inquiry from an independent agency.

19. Perusal of the above facts show that the Director General assumed charge on 26.05.2014 and post taking over, directed a review of all the then current projects.

20. Steps were initiated for blacklisting Mr. C.C.Mathew, Ex-Hawaldar of Assam Rifles who had taken a number of contracts from Assam Rifles, but had failed to execute them. The said Contractor was blacklisted in September, 2014. Mr. C.C. Mathew did not impugn the action of blacklisting.

21. The said contractor participated in the sting operation. Post the sting operation, preliminary report was sent to the Ministry of Home Affairs and thereafter, an independent Staff Court of Inquiry was ordered on 01.10.2014. All individuals against whom allegations were

made were relieved of their duties and attached with Headquarters Inspector General Assam Rifles (East), an independent authority, for detailed investigation. Progress report of the said inquiry was submitted to Ministry of Home Affairs.

22. The Court of Inquiry examined all allegations, Press Reports, Journals, Video Footages and Articles relating to the incidents. The Court of Inquiry examined several witnesses and evidences. Even, Mr. C.C.Mathew was summoned along with other civilian witnesses, *inter alia*, the Chief of News, Mathrubhumi News and Managing Director, Tehelka, however, they did not depose before the Court. Progress report was submitted to the Ministry of Home Affairs. The Court of Inquiry concluded on 23.12.2014 and the entire proceedings were submitted to the Ministry of Home Affairs.

23. The Court of Inquiry established cogent evidence against certain persons involved. Disciplinary action has been directed against all the Junior Commissioned Officers (JCOs), four Non-Commissioned Officers (NCOs). Administrative action against one officer and one other rank has also directed. Consequent to the Court of Inquiry Report, a summary of evidence was held.

24. Without going into the contention of the respondents that the petitioner has filed this petition at the behest of Mr. C.C.Mathew, the Contractor, who was blacklisted by the respondents Assam Rifles for having failed to perform the Contracts which were awarded to him and is a motivated petition and further that Mr. C.C.Mathew, took all

steps to avoid appearing before the Court of Inquiry, it is observed from the records that appropriate steps have been taken to conduct a fair and independent inquiry.

25. The status reports of the inquiry conducted have been furnished to the Ministry of Home Affairs from time to time and the Assam Rifles has taken steps with active involvement of Ministry of Home Affairs. All proceedings were taken with due intimation to and under instruction of the Ministry of Home Affairs.

26. Apart from mere allegation, there is nothing placed on record by the petitioner to show that either there is any infirmity in the inquiry conducted and the action taken by the Assam Rifles under intimation to and directions from the Ministry of Home Affairs. The petitioner has failed to show any *locus standi* to file such a petition.

27. If any person indicted in the inquiry were aggrieved, they would be entitled to take appropriate remedies in law. The petitioner cannot be permitted to rake up proxy litigation either at the behest of the contractor who has been blacklisted or the persons indicted by the inquiry.

28. I find no merit in the petition. The petition is accordingly dismissed. There shall be no orders as to costs.

SANJEEV SACHDEVA, J

JULY 03, 2017/Sn