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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 2591/2017

ALL INDIA SC/ST PNB FRIENDS CLUB WELFARE
ORANIZATION (REGD) THR.R P PUSHKAR (GENERAL
SECRETARY)

..... Petitioner

Represented by: Mr. R. P. Pushkar, General
Secretary in person.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Represented by: Ms. Nandita Rao, Additional
Standing Counsel for State.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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24.11.2017

Crl. M.A. 14847/2017 (Exemption)

Allowed, subject to all just exception.

W.P.(CRL) 2591/2017

1. By this writ petition the petitioner seeks the following prayer:-

- a. *A set aside the order dated 30th May, 2017 pronounced by the Ld. M.M., Delhi and reinvestigate may pleased be ordered to be conducted by the police officials not below the rank ACP as provided in Rule 7 of the SC ST Act atrocities Rule 1995 considering the facts and circumstances of the case in the interest of justice.*
- b. *Issue an appropriate writ, order or directions in the nature & (Crl. Writ Petitioner) directing the respondent No. 2 CMD bank, disciplinary action the Respondent No. 3 from the employment of PNB with immediate effect and further seize*

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the pension.

2. In the petition it is claimed that the petitioner is a registered Society and is represented through its General Secretary Mr. R.P. Pushkar.

3. The allegation of the petitioner is that the respondent No. 3 in the petition has secured employment in Punjab National Bank and is presently working as Deputy General Manager, posted at General Administration Department. He is claimed to be from Scheduled Caste category with a Scheduled Caste certificate issued by the office of Deputy Commissioner, Delhi.

4. It is claimed that while giving employment to respondent No. 3, respondent No. 2 did not even bother to verify the truthfulness of the Scheduled Caste Certificate and whether the respondent No. 3 belongs to Scheduled Caste category. It is claimed that the respondent No. 3 is not a resident of Delhi which is a pre-condition for obtaining a Scheduled Caste certificate from the office of the Deputy Commissioner.

5. Thereafter the petition proceeds to cite various decisions and provisions and finally seeks the prayer as noted above.

6. The documents filed include affidavit that R.P. Pushkar being the General Secretary of the petitioner filed a complaint case before learned Metropolitan Magistrate being CC No. 24/1C under Section 156 (3) Cr.PC., wherein directions were issued to register FIR and file a charge sheet within the prescribed period vide order dated 11th February, 2013. On the said direction FIR No. 79/2013 under Sections 420/468/471 IPC PS Civil Lines, Delhi was registered and the investigation was handed over to SI Praveen Kumar.

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7. The grievance of the petitioner is that neither the charge sheet was filed for offence under the Scheduled Caste Act nor the investigation carried out by the ACP concerned. The petitioner then filed an application for further investigation which was dismissed vide order dated 31st May, 2017 on the ground that the petitioner cannot not seek further investigation on an investigation on the basis of police report.

8. There being no error nor any illegality in the order dated 31st May, 2017 as the petitioner has no locus to seek further investigation, the order dated 31st May, 2017 cannot be set aside.

9. The petitioner had earlier also filed a writ petition being WP (C) No.1031/2012 inter alia praying a writ of mandamus qua respondent No. 1 to constitute a committee of three officers to ascertain and give findings on the issue of Scheduled Caste Certificate of respondent No. 3 and the secondly for quashing the appointment of respondent No. 3 with respondent No.2 bank.

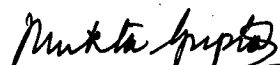
10. In W.P. (C) No. 1031/2012 a status report was filed by the DCP (Crime) stating that respondent No. 3 belonged to the caste of Brahmin and was not a schedule caste. Based on the status report, writ petition was disposed of directing the respondent No.2/bank to take appropriate action in accordance with law.

11. In this petition as regard prayer (b) is concerned, already direction having been passed to respondent No. 2 bank to take action in accordance with law, a fresh petition would not lie for the same reason and in respect of prayer (a) as noted above there is no error in the impugned order dated 31st May, 2017 passed by learned Metropolitan Magistrate declining to reinvestigate the offence.

12. Petition is accordingly dismissed.

NOVEMBER 24, 2017

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MUKTA GUPTA, J.