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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-20031-2018(O&M)
Date of Decision: 11.10.2018**

Ganga Ram Mahto**...Petitioner**

Versus

State of Haryana and others**....Respondents****CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. D.D.Gupta, Advocate
for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this petition filed under Section 482 Cr.P.C., prayer has been made for issuance of direction to the State of Haryana for conducting just, fair and expeditious investigation in criminal case, FIR No. 857 dated 22.09.2015 registered under Sections 467/468/471/419 and 420 IPC at Police Station City Karnal by transferring it to a gazetted officer of District Police, Karnal.

Briefly, Food Corporation of India, Karnal (in short 'FCI') kept on employing labour on temporary basis, periodically every year. Petitioner was also working as a temporary labourer with the FCI, Karnal. As a policy matter, FCI removed all the temporary labourers approximately 500.

However, the above stand of the petitioner has been

contradicted by the State as well as the FCI, submitting that the petitioner was a member of some trade union, distinct from another local trade union. A fight ensued between both the trade unions. Therefore, the petitioner left his temporary job of labour.

The retrenched contractual labour filed **CWP-11647-1994** against the FCI which was accepted on 08.01.2009 directing FCI to regularise the services of contractual labour including the petitioner. Consequently, the committee was constituted to prepare a seniority list, who submitted its report on 05.07.2010. In the seniority list, the petitioner figures at Sr. No. 32. However, the petitioner kept on sleeping over the matter and all of a sudden awoke out of a great slumber and filed his affidavit Annexure P-3, complaint (Annexure P-4), two representations (Annexure P-5 and P-7) to FCI, pointing out that some other person, named as Balmiki Mehto-respondent by impersonating himself as petitioner, had got employment.

Resultantly, FIR No. 857 dated 22.09.2015 was got registered against Balmiki Mehto and District Manager, FCI District Karnal. During investigation, District Managers of FCI were found innocent. Therefore, final report under Section 173(2) Cr.P.C. was filed only against Balmiki Mehto with the observation that investigation was still pending against the District Managers, FCI. At present, findings no nexus between Balmiki Mehto and District Managers, FCI namely, Ankur Vats ji and Silky Sona Singhla, no action was taken

against them. Consequently, the complaint of the petitioner against the aforesaid persons was filed.

According to learned counsel for the petitioner, investigation was not being conducted fairly, therefore, the matter be may referred to some other investigating agency for further investigation qua the complicity of District Managers, FCI. In support of his contention, he placed reliance upon the judgment of Hon'ble Supreme Court in ***Nidhi Kaim Versus State of Madhya Pradesh; AIR 2017 Supreme Court, 986.***

On the other hand learned State counsel vehemently opposing the submissions of learned counsel for the petitioner contends that after thorough investigating the case and obtaining affidavits of the aforesaid District Managers of the FCI, Karnal, they have rightly been declared innocent.

Having given thoughtful consideration to the submissions made by both the sides, this Court finds that this case is a malafide device of the petitioner for blackmailing, putting undue influence and pressure upon the officers of the FCI, inasmuch as how the government officials or officials of FCI would come to know without disclosing to them that someone has got employment by impersonation, unless and until someone brings this fact to their notice. Petitioner did not produce on record that District Manager of FCI had any nexus with Balmiki Mehto in giving him employment or had connived with him. In the absence of any documentary proof, the

plea of the petitioner that District Managers of FCI had conspired with Balmiki Mehto is completely imaginary and hypothetical.

The facts and circumstances of the authority referred to ***Nidhi Kaim's case (supra)*** are entirely different to the facts of the present case, inasmuch as in the instant case Balmiki Mehto impersonating himself, illegally employed himself with FCI. Therefore, no benefit of the same can be granted to the petitioner.

In view of the above discussion, this petition is dismissed.

11th October, 2018

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**[RAMENDRA JAIN]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*