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

+ W.P.(C) 34/2018

MAJ POONAM THROUGH:

HER HUSBAND M S UPADHYAY

..... Petitioner

Through: Mr.Ajit Kakkar, Advocate with
Dy.Comdt. Upadhyay M S, husband
of the petitioner

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr.Anurag Ahluwalia, CGSC with
Mr.Charitarth Bharti & Mr.Tejaswha,
Advocates with Lt.Col. Dinesh Sripal
& Lt.Col. Jayalekshmi

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **10.01.2018**

1. On the last date of hearing, Mr.Anurag Ahluwalia, learned counsel for the respondents has pointed out that instead of placing the correct position on the record with regard to the disciplinary proceedings that had been initiated against the petitioner, she had made false averments in para nos.4 and 5 of the writ petition to the effect that disciplinary proceedings against her on account of desertion, had been quashed. On being confronted with the aforesaid position, Mr.Ajit Kakkar, learned counsel for the petitioner had sought time to obtain instructions.

2. Today, learned counsel for the petitioner concedes that nothing in writing had been received by the petitioner from the Disciplinary Authority intimating her that the disciplinary proceedings initiated against her on

account of the desertion, were quashed. He states that the averments made to the said effect in paras 4 and 5 of the writ petition were on an impression that the petitioner had gathered that the said proceedings stood quashed.

3. We decline to accept such a filmsy explanation as offered by learned counsel for the petitioner for making patently false averments in para nos.4 and 5 of the writ petition, which, to our mind, appear to be a deliberate attempt to mislead the court. It is settled law that when a party approaches the Court for invoking its extraordinary powers under Article 226 of the Constitution of India, he/she is expected to state the true and correct facts and come clean. If a party approaches the Court by making mis-statements or by stating deliberate falsehood, it would be sufficient ground for the court to decline to entertain such a petition.

4. In view of the blatant falsehood stated by the petitioner on oath in para nos.4 and 5 of the present petition, which to her knowledge, was untrue, we decline to entertain this petition which is accordingly dismissed with costs of `5,000/- to be deposited with Delhi High Court Legal Services Committee within two weeks.

HIMA KOHLI, J.

REKHA PALLI, J.

JANUARY 10, 2018

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