

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 577 of 2017**

1. Prathmesh Telang S/o Dr. A K Telang Aged About 35 Years R/o Senior M I G 27 Padmanabhpur , Police Station Padmanabhpur District Durg Chhattisgarh
2. Dr. A K Telang S/o K G Telang Aged About 77 Years R/o Senior M I G 27 Padmanabhpur , Police Station Padmanabhpur District Durg Chhattisgarh

---- Petitioners**Versus**

1. Union Of India Through The Secretary Ministry Of Petroleum And Natural Gas Shastri Bhawan New Delhi
2. Bharat Petroleum Company Ltd. Through Chairman And Managing Director, Bharat Bhawan , 4 And 6 , Currimbhoy Road Ballard Estate P . B . No. 688 , Mumbai - 400001
3. State Of Chhattisgarh Through The Secretary Department Of Home Affairs Mantralaya Mahanadi Bhawan New Raipur District Raipur Chhattisgarh

---- Respondents

For Petitioners	:	Shri Shrawan Agrawal, Advocate
For Respondent No.1	:	Shri Krishna Gopal Yadav, Advocate appears on behalf of Shri B. Gopa Kumar, ASG for the Union of India
For Respondent No.2	:	Shri Sourabh Sharma, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Dy. AG

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****26/02/2019**

1. Heard.
2. The present petition is to constitute a Special Investigation Team to investigate the matter regarding embezzlement of diesel as mentioned in the petition.

3. Learned counsel for the petitioners submits that petitioner No.1 was terminated from the services of Bharat Petroleum Corporation Limited in the year 2011 on the ground that the diesel which was carried out from the tanker was containing 1400 liter excess diesel. He further submits that the excess diesel was unloaded into tank No.6 which was having depth from 88cm to 95 cm, however, subsequently on the information received under the RTI, the Bharat Petroleum Corporation Limited contended that the depth of the tanker was 129 cm, therefore, if the calculations are made it will find that 7000 liter of embezzlement of diesel has taken place, therefore, the enquiry is required for.
4. Perusal of the documents would show that neither any report has been made nor any complaint subsequently was made, directly this petition has been filed before this Court under Article 226 of the Constitution of India. If such petitions are entertained then the entire provisions and the procedure of a cognizable offence and the investigation would be rendered infructuous and the High Court would be left as an enquiry officer, therefore, this Court in exercise of powers under Article 226 of the Constitution of India is not inclined to entertain this petition.
5. The petition being devoid of merits is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu