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

+ W.P.(C) 2653/2019

KISHAN CHAND SHARMA

..... Petitioner

Through: Mr.Arunav Tewari, Adv. with
Mr.Rakesh Kumar Singh, Adv.

Versus

EAST DELHI MUNICIPAL
CORPORATION AND ANR.

..... Respondents

Through: Mr.G.D.Mishra, Standing Counsel for
EDMC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER
15.03.2019

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1. The petitioner has filed this petition in public interest seeking action to be taken against Mr.Sandeep Yadav, Junior Engineer and Mr.Narender Singh Grover, Assistant Engineer posted in the office of respondent No.2, Executive Engineer-M-1, East Delhi Municipal Corporation ('EDMC') on the ground that these officers were involved in adopting corrupt practices and have committed embezzlement of funds with regard to development work, therefore, an FIR be registered, action be taken against them and departmental inquiries be initiated.

2. It is the case of the petitioner that he had made complaints to the Joint Director, Anti Corruption Bureau; Commissioner, East Delhi Municipal

Corporation along with various newspaper cuttings, sent a legal notice to the Commissioner, East Delhi Municipal Corporation but when nothing was done, this writ petition has been filed with the following prayers:

- “a) Issue an appropriate writ, direction or order in the nature of a Mandamus directing the Respondents to set up a departmental inquiry against Mr.Sandeep Yadav and Mr.Narender Singh Grover for their misconduct and corruption as alleged against them and pursuant to the inquiry report initiate appropriate departmental action against them;
- b) direct the Respondents to lodge a complaint against the said persons namely Mr.Sandeep Yadav and Mr.Narender Singh Grover before the concerned police for registration of case/FIR against the corruption being committed by them; and
- c) Issue such other writ, order or direction, as deemed fit in the circumstances of the case in the interest of justice.”

3. The respondents raise a preliminary objection with regard to the maintainability of this public interest litigation primarily on the ground that the petitioner is a government employee and for the relief claimed, a PIL is not maintainable.

4. Primarily, the grievance of the petitioner is with regard to inaction on the part of the Vigilance authorities. We are informed that the petitioner can always make a complaint to the statutory vigilance authorities, namely, the Lokayukta and it is for the Lokayukta to cause an inquiry into the matter in case the complaint filed by the petitioner is found to be tenable.

5. That being so, at the instance of the petitioner in this PIL, for the prayers made therein, we are not inclined to interfere into the matter,

instead, liberty is granted to the petitioner to invoke the jurisdiction of the Lokayukta by making a complaint and we are hopeful that the Lokayukta shall deal with the issue in accordance with law.

6. With the aforesaid observations, the petition is dismissed.

CHIEF JUSTICE

ANUP JAIRAM BHAMBHANI, J

MARCH 15, 2019

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