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

Date of Decision: 02.09.2019

+ W.P.(C) 5178/2019

SATISH MANDOKAR Petitioner/applicant
Through: Mr. Vishwendra Verma, Adv.

versus

UNION OF INDIA & ORS Respondents
Through: Mr. Arun Bhardwaj, CGSC with
Mr. Nikhil Bhardwaj, GP for UOI
Mr. Anupam S. Sharma, SPP with Mr. Prakash
Airon & Mr. Parikshith Sharma, Adv. for R-3
Mr. Lakshay Juneja, Adv. for Mr. Naresh Kaushik,
Adv. for R-7

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM APPL.39086/2019 (exemption) in W.P.(C) 5178/2019

Allowed, subject to all just exceptions.

Application is disposed of.

Review Pet.355/2019 in W.P.(C) 5178/2019

1. Applicant is the original petitioner in W.P.(C) 5178/2019. The said writ petition was preferred with the following prayers:

- “i) To allow the present Writ Petition and thereby set aside the appointment of Respondent No.2 as Member Traction, Railway Board, New Delhi.*
- ii) To conduct an enquiry by an independent body against the Respondent No.2 and thereby the loss incurred by the Respondent No.2 to the Petitioner be recovered from the Respondent No.2 and also the loss cause to the Respondent No. 1 by the act of Respondent No.2, be recovered as per actual audit report in the interest of justice.*
- iii) Call the records of the respondent No.2 from the respondent No.6 and 7 and thereafter, set aside the clearance given by the concerned respondents No.1, 6 and 7.*
- (iv) Direct the respondent No.3 to 5 to submit the record pertaining to the respondent No.2 to examine the correctness of the appointment of the respondent No.2.”*

2. Having heard the counsel for both the sides and looking into the facts and circumstances of the case, it appears that this applicant (original petitioner) preferred CM Appl.23837/2019 in W.P.(C) 5178/2019, wherein the following order was passed by the learned Single Judge *vide* order dated 17th May, 2019.

“This is an application for early hearing of the writ petition. The date fixed in the matter is 3rd July, 2019. For the reasons stated in the application, the same is allowed and disposed of.

On a specific query from the Court, whether the petition is filed in public interest or personal interest, Mr. Verma states that the petition has been filed in public interest. If that be so, appropriate shall be that this petition is listed before a Bench hearing Public Interest Litigation.

Subject to the orders of Hon’ble the Chief Justice, list this petition before the concerned Roster bench on 3rd July, 2019.”

3. In view of the aforesaid order, the writ petition, at the desire of this

applicant, was treated as a public interest litigation and was listed before the appropriate Court as per roster. The writ petition came up for hearing on 3rd July, 2019 and the same was dismissed by the following order:

“This so called public interest petition has been preferred with the following prayers:

“i) To allow the present Writ Petition and thereby set aside the appointment of Respondent No.2 as Member Traction, Railway Board, New Delhi.

ii) To conduct an enquiry by an independent body against the Respondent No.2 and thereby the loss incurred by the Respondent No.2 to the Petitioner be recovered from the Respondent No.2 and also the loss caused to the Respondent No. 1 by the act of Respondent No.2, be recovered as per actual audit report in the interest of justice.

iii) Call the records of the respondent No.2 from the respondent No.6 and 7 and thereafter, set aside the clearance given by the concerned respondents No.1, 6 and 7;

(iv) Direct the respondents No.3 to 5 to submit the record pertaining to the respondent No.2 to examine the correctness of the appointment of the respondent No.2.”

Having heard the counsel for both the sides and looking to the facts and circumstances of this case, it is evident that this is not a public interest litigation at all.

It appears that petitioner has several grievances against respondent No.2 as detailed in the instant writ petition. During the course of arguments, counsel for the petitioner has pointed out several letters written by the petitioner which are alleged to have been 13 in number about the conduct of respondent No.2 regarding cancellation of contracts earlier awarded to the petitioner amounting to Rs.35 crores at the behest of the respondent No.2.

Counsel for petitioner has also referred page No.315 of the petition where it has been narrated that the petitioner was threatened by respondent No.2. It is also submitted by counsel for the petitioner that respondent No.2 has already retired on 31.05.2019.

Looking to the nature of the allegations against respondent No.2 by this petitioner, this is not a public interest litigation at all. It appears this writ petition has been preferred because of personal vengeance. Vigilance clearance was duly given to the respondent No.2 by the respondent No.1 at the relevant time and the respondent No.2 has successfully completed his tenure as a Member (Traction) with the respondent No.1.

In view of these facts, we see no reason to entertain this writ petition as a public interest litigation. In fact, a statement was made by the petitioner before the learned Single Judge that this matter may be treated as a PIL.

Finding no reason to entertain the grievance of the petitioner for the aforesaid reasons, the writ petition along with pending application stands dismissed.”

4. This review petition has been preferred by this applicant (original petitioner) alleging several grounds *inter alia* that the writ petition may be allowed to be preferred by this applicant so that the grievances ventilated in the writ petition can be brought to the notice of the Court. If this liberty is reserved, the purpose of filing this review petition would be served.

5. Having heard the counsel for both sides and looking into the facts and circumstances of the case, we find no reason to entertain this review petition as there is no apparent error on the face of the record. Looking into the order passed by this Court dated 3rd July, 2019 in W.P.(C) 5178/2019, nonetheless, liberty is reserved with this applicant (original petitioner) to prefer fresh proceedings before the appropriate forum with proper

averments, allegations and annexures.

6. All the defences available with the respondent will also be available with him. The petition or any other proceedings, if at all preferred, will be decided in accordance with law and evidences available on record.

7. With the aforesaid observation, this review petition is dismissed.

CHIEF JUSTICE

C.HARI SHANKAR, J

SEPTEMBER 02, 2019

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