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

+ **W.P.(C) 7414/2019 & CM APPLs. 30898-899/2019**

BRIJESH SINGH

..... Petitioner

Through: Mr. Yudhvir Singh Chauhan, Adv.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms. Monika Arora, CGSC with
Mr. Harsh Ahuja, Mr. Kushal Kumar
& Mr. Praveen Singh, Adv. for R-1
& 2/IOI.

Mr. Naresh Kaushik with Mr. Tapasvi
Raj & Ms. Vibhuti Tyagi, Adv. for
R-3/UPSC.

Mr. Ravinder Agarwal, Adv. for
R-4/CVC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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17.07.2019

CM APPL. 30899/2019 (*exemption*)

Allowed, subject to just exceptions.

W.P.(C) 7414/2019 & CM APPL. 30898/2019

1. This so called Public Interest Litigation has been preferred with the following prayers:

“(A). To order the termination of the services of the Respondent No.5 being ineligible to hold the post of Additional Legislative Counsel being initially illegally appointed.

(B). To issue direction to the respondents to recover salary etc from Respondent no. 5 and to lodge FIR against Respondent No. 5 for her securing appointment through illegal means on the basis of forged and fabricated documents.”

2. Having heard learned counsel for the petitioner and learned counsel for the respondents No.1 to 4, it appears that all canons of arguments are against respondent No.5. She was appointed way back on **09.10.1998** as Sub-Editor Hindi Branch with respondent No.1.

3. Much has been argued out by the counsel for the petitioner about the misrepresentation of the respondent No.5. Several years have passed by now and also looking to the fact that the authorities under the respondents No.1 and 2 **including DoPT and Secretary, Legislative Department have already looked into the matter and they have closed this issue much earlier in point of time i.e. in the year 2003.** Present writ is preferred in **2019**. The age relaxation was given by respondents No.1 and 2 **in the year 2003**. Even otherwise also, **this is not a Public Interest Litigation at all** if there are allegations against respondent No.5 about the misrepresentation or fraud played by her.

4. The petitioner is also an employee of the respondents No.1 and 2 who has retired on 31.07.2017. He has written Confidential Reports of respondent No.5. These facts have not been stated in the memo of the writ petition.

5. So far as the powers of the respondents No.1 and 2 are concerned, they have power to grant age relaxation. Respondent No.5 was a lady member of District Consumer Forum, Agra. The required age was 35 years for being appointed as a Sub-Editor in Vidhi Sahitya Prakashan and her age

was 36 years and 5 months. This age relaxation has been given by the respondents and it was within their powers. After being appointed as a Sub-Editor the respondent No.5 on 24.06.2004 was appointed as an Assistant Legal Legislative Counsel and thereafter on 18.11.2010 she was promoted as a Deputy Legislative Counsel, Hindi Branch. Again thereafter, she was promoted as an Addl. Legislative Counsel, Hindi Branch on 23.06.2016 and she is retiring in November, 2020.

6. It appears that the action of the respondent is not beyond the powers vested in the respondents No.1 and 2. This is not a case of excess of jurisdiction or want of jurisdiction by the respondents No.1 and 2. Hence, we see no reason to entertain this writ petition and the same is hereby dismissed. The pending application also stands disposed of accordingly.

CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 17, 2019

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