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

+ **W.P.(C) 1040/2017 & CM APPL. 16095/2017, 33491/2018**

NAVEEN KUMAR ANAND (RETD.) Petitioner

Through Petitioner in person.

versus

UNION OF INDIA & ANR Respondents

Through Mr Vivek Goyal, CGSC with Mr Pawan Pathak, Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **27.03.2019**

1. The petitioner has filed the present petition, *inter alia*, praying as under: -

“(a) Issue a writ in the nature of mandamus or any other writ, order or directions in the nature of mandamus directing the respondent No 2 to lodge FIR in consonance with Para 26 (c) of Office Memorandum No 28 (3)/2012-D (Res-I) dated 09.07.2012.

(b) Issue a writ in the nature of mandamus or any other writ, order or directions in the nature of mandamus directing respondents to recover the service charges fraudulently claimed by non entitled persons/ security agencies and the persons, who took more than on facility in gross violation of instructions in the Government treasury as done in the case of Cdr Vijay Kumar Babasaheb Patil (Retd) and others and submit completion report to this Court within 3 months.

(c) Issue writ in the nature of mandamus directing the respondents to get the service charges claimed in excess of guards year laid by the Respondent No 1 in Office Memorandum and this Hon'ble Court in LPA 669/2014 and beyond the validity of empanelment as laid in Para 15 (a). Para 26 (a) read with Para 28 of Office Memorandum dated 09.07.2012 deposited in Government treasury and submit completion report to this Court within 3 months.”

2. The petitioner alleges certain irregularities and violations of rules, procedures and guidelines. In Paragraph 8 of the petition, the petitioner has mentioned five instances where – according to the petitioner – individuals are carrying on the business of providing services by impersonating Ex-servicemen. The petitioner has also give instance of 12 officers who have taken multiple employment contrary to the policies, which the petitioner states is impermissible in terms of the DGRS Policy. In addition, in paragraph 21 of the petition, the petitioner has also mentioned the names of various officers who have allegedly given incorrect certificates.

3. In view of the above, since the petitioner has given specific instances, this Court considers it apposite to direct the respondents to examine the instances given by the petitioner. It is further directed that if any violation of the policy or any irregularity is found, the respondents shall take the necessary action in accordance with law.

4. This Court is not inclined to direct filing of any FIR or to initiate any other coercive steps, as the allegations made by the petitioner require to be examined and the concerned officer/person must also have an opportunity to meet the allegations. However, it is clarified that the respondents are not precluded from initiating necessary action in accordance with law, if the

inquiry reveals any fraud or commission of any offence.

5. The petition is disposed of with the aforesaid observation. All pending applications also stand disposed of.

VIBHU BAKHRU, J

MARCH 27, 2019

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