

THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Delivered on
25~02~2021	03~03~2021

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**

C.S.No.332 of 2019

Dr.S.K. Nayak .. Plaintiff

vs.

Parmjit Singh Marwah .. Defendant

Civil Suit filed under Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 CPC praying for the following judgment and decree against the defendant.

a) Directing the Defendant to pay the Plaintiff a sum of Rs.1,00,02,000/- (Rupees one Crore two thousand) as damages to the Plaintiff for loss of reputation and inconvenience caused by the Defendant's Letters, Complaints, Applications and Communications to third parties.

b) Permanent Injunction restraining the Defendant from in any manner whatsoever causing publications by way of complaints, representations to any person,

organisation, statutory authorities or any other person containing any slanderous or defamatory remarks as against the Plaintiff;

c. Costs of the Suit

For Plaintiff : Mr.P.V. Balasubramanian for
M/s. BFS Legal

For defendant : No appearance
Defendant set exparte

JUDGMENT

The suit is filed for directing the Defendant to pay the Plaintiff a sum of Rs.1,00,20,000/- as damages to the plaintiff for loss of reputation and Permanent Injunction restraining the Defendant from in any manner whatsoever causing publications, representation containing any slanderous or defamatory remarks as against the Plaintiff with costs.

2.The brief facts of the case of the plaintiff are as follows:

2(a) The case of the plaintiff is that he is permanent resident of Chennai and highly qualified and distinguished academic/researcher and administrator involved in the field of Material Sciences specifically

polymers and plastics engineering for the past 33 years. He also holds dual Ph.D Degree both in Science and Engineering. The Plaintiff also has extensive post-doctoral research experience in diversified areas of Polymer Science & Technology. As a part of his academic pursuits, he has to his credit more than 370 publications in peer reviewed international journals and apart from 250 international conference papers and several patents and Registered Product to his credit. In addition, the Plaintiff has also mentored more than 50 scholars for Ph.D programs and around 80 students for their M.Tech./M.E., thesis over the years.

2(b) The Plaintiff currently serving as the Director General and Chief Executive Officer of the Central Institute of Plastic Engineering & Technology (CIPET), which has been established with the objective of developing manpower and imparting skill based training in different disciplines of plastic engineering and technology.

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2(c) The Defendant is a self-styled RTI Activist nursing a grudge against the Plaintiff, instituted various frivolous RTI applications from time

to time seeking information regarding the functioning and activities from CIPET. So far he has filed 93 RTI applications with the intention of hindering the working environment of CIPET by causing them to devote large amounts of manpower to answer the same. Even a bare perusal of the said complaints issued from time to time reveal the same to be replete with baseless allegations unsubstantiated by any facts or evidence which are made only for the sole purpose of causing irreparable damage to the reputation of the plaintiff among his peers within the organisation. The very act of issuance of representations containing such wanton allegations and imputation of such unparliamentary and abusive language amounts to publication of defamatory contents seeking to attach and impeach the good name and hard earned reputation of the Plaintiff.

2(d) Due to the high volume of complaints, the Department of Chemicals and Petrochemicals (DCPC) took a decision to constitute a three member committee to conduct a in-depth enquiry into the allegations raised by the Defendant. The Committee held several meeting and decided to collate the documents received from the Plaintiff and thereafter obtain the

comments of CIPET regarding the allegation raised by the Plaintiff. It was further decided by the committee to afford an opportunity to the Defendant to furnish any available documents or records available with them in order to substantiate the allegations. To such effect the Defendant was invited to furnish concerned documents vide two letters dated 04.01.2019 and 14.01.2019. In spite of having received the same the Defendant deliberately failed to appear before the committee. Hence, the committee opted to examine the reference made to it based on available materials and observed that most of the allegations pertained to 'perceived omissions' by CIPET in the material placed by it in its website and Annual Reports. The findings of the committee are as follows:

- *“It appears that Shri Marwah has been levelling various allegations and aspersions indiscriminately, invoking the vicarious liabilities of the senior officers without due appreciation and understanding of the powers delegated to the Officers at various levels.*
- *Shri P.S.Marwah who is in the habit of writing complaints to all concerned including Secretary and President – CIPET G.C., Hon'ble Minister of C&F,*

Delhi Police Commissioner, Prime Minister and other Ministry officials falsely implicating DG, CIPET and other senior officials of CIPET and also senior officials of the Administrative Ministry.

- *It is observed that he has been using inappropriate and unparliamentary language against all the senior officials of CIPET/Ministry. Allegations made by the Petitioner are abusive and defamatory in nature and reaching to the extent of harassing and pressurizing the officials. Some of the words used by the Petitioner include 'cheater' , 'gabber', 'samba', 'villain', 'don', 'kabutarbazi', 'human trafficking', 'monkey', 'criminal' etc.,*
- *The allegations of corruption made by Shri P.S.Marwah do not have any ground and are without any evidence/proof. The committee has given opportunity twice to support the allegations with documentary evidences. However, the individual has failed to produce any evidence in any of the allegations posted on the Government officials.*
- *The allegations appear to be baseless and without merit*

as they stem from his perceptions rather than knowledge and understanding of the procedures followed in Government. This has caused dislocation of the precious resources of the Government of India and massive disruption from the core area of work of the Department and CIPET.

- *Such actions of the Petitioner are motivated attempt to tarnish the image of a premier and prestigious institute of the country thereby adversely affecting the future prospects of the huge number of students, morale of the employees and also affecting the flagship programmes of the Government of India viz., 'Skill India', 'make in India' etc.,” (Emphasis supplied)*

2(e) It is further averred in the plaint that it is evidence that none of the allegations raised by the Defendant either pertaining to the Plaintiff itself or the other officials of the CIPET have any merit whatsoever and the same is evident from the deliberate omission on the part of the defendant to come forward and substantiate the same in spite of being given repeated opportunities to do so. It is further stated that the said facts clearly reveal the intention on the part of the Defendant to character assassinate the

plaintiff. The said representation and complaints of the Defendant have far reaching consequences in respect of the manner in which the plaintiff is treated in general and also cast a blemish upon the distinguished professional record of the plaintiff affecting not only his future prospects but also the day to day functioning of the CIPET or which he is the Director General. The damage caused to his reputation is irreversible. Since the plaintiff has already suffered damages on account of actions of the Defendant, which has also resulted in severe loss of reputation to the plaintiff, he filed the present suit for Damages to the tune of Rs.1,00,02,000/- and Permanent Injunction.

3. Though notice has been served to the Defendant on 03.03.2020 the defendant has not entered his appearance. Therefore, his name was printed in the cause list on 06.10.2020. On that hearing also the Defendant has not made his appearance. Hence, the **Defendant was set exparte** by this Court on 06.10.2020.

4. On the side of the plaintiffs, the first **Plaintiff Dr.S.K.Nayak was**

examined himself as P.W.1 and Ex.P.1 to Ex.P.61 were marked. In his proof affidavit he has stated that he has suffered severe damage to his had-won reputation and a blot has been cast as against his distinguished record or service with the CIPET as described in the plaint.

5. The **Principal Director and Head of CIPET Mr.Shrikant Shirali** was examined as P.W.2 and Exs.P.62 to 70 were marked through him. In his proof affidavit he has stated that the Defendant in his communications without any basis or justification had made a serious allegation of criminal conduct by the Plaintiff without as much as substantiating the same. The scandalous communications sent by the Defendant is completely devoid of all merits and ethics, sent with the sole intention of causing wrongful damage and loss to the plaintiff. In view of the defamatory statements made by the Defendant, Plaintiff has suffered a substantial loss which cannot quantified monetarily therefore the claim for Rs.1,00,01,000/- as damages is a just demand considering the quantification, standing and stature of the plaintiff amount professional circle.

6. The exhibits marked on the side of the Plaintiff are as follows:-

S.No.	Exhibits	Date	Description
1.	P-1		Particulars about the Plaintiff from the Official website of CIPET
2.	P-2	07.06.2013	Letter issued by Lion's Club International to Plaintiff.
3.	P-3	30.07.2018	Photo copy of the Representation issued by the Defendant to the Commissioner of Police, Delhi
4.	P-4	27.08.2018	Photo copy of the Representation issued by the Defendant to the Commissioner of Police, Delhi
5.	P-5	28.08.2018	Photo copy of the Representation issued by the Defendant to the Commissioner of Police, Delhi
6.	P-6	15.09.2018	Photo copy of the Representation issued by the Defendant to the Secretary, Ministry of Chemicals and Fertilizers
7.	P-7	15.09.2018	Photo copy of the Representation issued by the Defendant to the Secretary, Ministry of Chemicals and Fertilizers
8.	P-8	16.09.2018	Photo copy of the Representation issued by the Defendant to the Secretary, Ministry of Chemicals and Fertilizers
9.	P-9	16.09.2018	Photo copy of the Representation issued by the Defendant to the Secretary, Ministry of Chemicals and Fertilizers

S.No.	Exhibits	Date	Description
10.	P-10	29.09.2018	Photo copy of the Representation issued by the Defendant to the Secretary, Ministry of Chemicals and Fertilizers
11	P-11	12.10.2018	Photo copy of the Representation issued by the Defendant to the Commissioner of Police, Delhi
12	P-12	20.10.2018	Photo copy of the Representation issued by the Defendant to the Secretary, Ministry of Chemicals and Fertilizers
13	P-13	20.10.2018	Photo copy of the Representation issued by the Defendant to the Secretary, Ministry of Chemicals and Fertilizers
14	P-14	20.10.2018	Photo copy of the Representation issued by the Defendant to the Commissioner of Police, Delhi
15	P-15	29.10.2018	Photo copy of the Representation issued by the Defendant to the Secretary, Ministry of Chemicals and Fertilizers
16	P-16	10.11.2018	Photo copy of the Representation issued by the Defendant to the Secretary, Ministry of Chemicals and Fertilizers
17	P-17	13.11.2018	Photo copy of the Representation issued by the Defendant to the Prime Minister's Office.
18	P-18	22.11.2018	Photo copy of the Representation issued by the Defendant to the

S.No.	Exhibits	Date	Description
			Prime Minister's Office.
19	P-19	24.11.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
20	P-20	26.11.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
21	P-21	26.11.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
22	P-22	26.11.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
23	P-23	27.11.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
24	P-24	28.11.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
25	P-25	29.11.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
26	P-26	30.11.2018	Photo copy of the Representation issued by the Defendant to the

S.No.	Exhibits	Date	Description
			President, Governing Council CIPET
27	P-27	30.11.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
28	P-28	03.12.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
29	P-29	03.12.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
30	P-30	04.12.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
31	P-31	04.12.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
32	P-32	05.12.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
33	P-33	09.12.2018	Photo copy of the Representation issued by the Defendant to the President, Institute of Chartered Accountants of India.
34	P-34	11.12.2018	Photo copy of the Representation

S.No.	Exhibits	Date	Description
			issued by the Defendant to the Secretary, Ministry of Personnel & Training.
35	P-35	11.12.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
36	P-36	12.12.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
37	P-37	12.12.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
38	P-38	17.12.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
39	P-39	17.12.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
40	P-40	18.12.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
41	P-41	18.12.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET

S.No.	Exhibits	Date	Description
42	P-42	19.12.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
43	P-43	19.12.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
44	P-44	20.12.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
45	P-45	20.12.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
46	P-46	25.12.2018	Certified copy of the Letter issued by the Plaintiff to the Principal Director (Vigilance), CIPET Head Office dated 25.12.2018.
47	P-47	27.12.2018	Photo copy of the Representation issued by the Defendant to the Prime Minister's Office.
48	P-48	27.12.2018	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET
49	P-49	02.01.2019	Photo copy of the Representation issued by the Defendant to the Prime Minister's Office.
50	P-50	04.01.2019	Photo copy of the Representation

S.No.	Exhibits	Date	Description
			issued by the Defendant to the Commissioner of Police, Delhi.
51	P-51	08.01.2019	Photo copy of the Representation issued by the Defendant to the Secretary, Ministry of Social Justice & Empowerment.
52	P-52	08.01.2019	Photo copy of the Representation issued by the Defendant to the President, GNM Foundation Cuttack, Orissa-753009.
53	P-53	08.01.2019	Photo copy of the Representation issued by the Defendant to the Vice Chancellor Utkal university.
54	P-54	09.01.2019	Photo copy of the Representation issued by the Defendant to the President, Asian Polymer Association.
55	P-55	09.01.2019	Photo copy of the Representation issued by the Defendant to the Chairman, Lion's club of India.
56	P-56	09.01.2019	Photo copy of the Representation issued by the Defendant to the President, Governing Council CIPET.
57	P-57	09.01.2019	Photo copy of the Representation issued by the Defendant to the Managing Director, ABP News Network Private Limited.
58	P-58	17.01.2019	Photo copy of the Representation issued by the Defendant to the Commissioner of Police, Delhi.

S.No.	Exhibits	Date	Description
59	P-59	19.01.2019	Photo copy of the Representation issued by the Defendant to the Commissioner of Police, Delhi.
60	P-60	05.03.2019	Photocopy of the letter issued by CIPET to the Director (Vigilance) Department of Chemicals & Petrochemicals, Ministry of Chemicals & Fertilizers in response to the representation submitted by the Defendant.
61	P-61	05.03.2019	Photocopy of the Report of the Enquiry Committee constituted to look into allegations made by the Defendant against the Plaintiff & other officials of CIPET
62	P-62	24.12.2018	True copy of letter received from Ministry of HRD to the Under Secretary to Govt. of India.
63	P-63	05.04.2019	True copy of letter received from Ministry of Chemicals & Petrochemicals by the Director General of CIPET.
64	P-64	16.05.2019	True copy of letter received from Ministry of Chemicals and Petrochemicals by the Director General of CIPET.
65	P-65	15.05.2019	True copy of complaint
66	P-66	28.06.2019	True copy of letter received from Ministry of Chemicals and Petrochemicals by the Director General of CIPET.

S.No.	Exhibits	Date	Description
67	P-67	28.06.2019	True copy of letter received from Ministry of Chemicals and Petrochemicals by the Director General of CIPET.
68	P-68	12.05.2019	True copy of letter received from Ministry of Chemicals and Petrochemicals by the Director General of CIPET.
69	P-69	24.09.2020	True copy of e-mail received from Ministry of Human Resource Development to the CIPET DG Office.
70	P-70	11.06.2020	True copy of Report of the standing Appellate Committee with enclosures.

7. Heard the learned counsel for the plaintiff and perused the records.

8. On going through the evidence given by the P.W.1 would disclose that during the relevant point of time the defendant herein sent various representations in various dates to various authorities, defaming the name of the Plaintiff. In the representations he raised various issues pertaining to the functions/activities of CIPET and levelling ambiguous allegations against the officials of CIPET and DCPC. Further, he has filed about 93 RTI

applications and sent 74 representations. Thereafter, after the constitution of committee, the department afforded personal hearing to the Defendant regarding his complaints and representations and directed him to produce documentary evidence in support of his allegations. However, the committee constituted for redressing the grievances addressed by the Defendant came to the conclusion as follows:

- (i) All the allegations levelled by Shri Marwah in his various references against the officers of Department and CIPET are without proper knowledge and understanding of the Rules and procedures of the Government.
- (ii) The allegations levelled hence appear to be motivated and to tarnish the image of the Department, its officers and that of CIPET.
- (iii) No action may accordingly be taken on the references preferred by Shri Marwah and also treat his references as closed. Given the situation, it is not considered prudent to reply to all the petitions of shri Marwah which is unnecessarily putting pressure on the optimum utilization of time and

resources of the officers. However, taking action on each petition of Indian citizens is imperative as per GOI guidelines. Therefore, petitions submitted by him in future can be examined and necessary action may be taken only if a substance is found in the petition.

(iv) CIPET may be suggested to explore the possibility of initiation of legal action against Shri Marwah for the inappropriate language used by him while addressing the officers of CIPET and DCPC; and making wild and baseless allegations against the responsible governmental officials without any documentary evidences and also against his motivated attempt to tarnish the image of the Institute.”

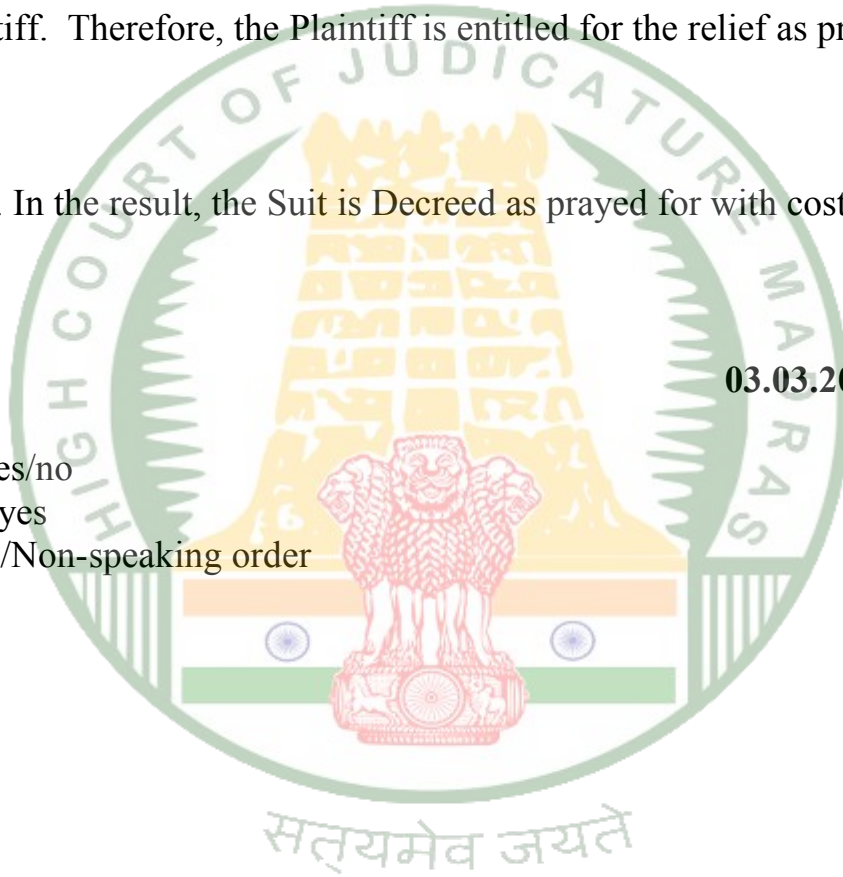
9. Therefore, the committee themselves recommended for initiating legal action against the Defendant for the inappropriate language used by him while addressing the officers of CIPET and DCPC. Only in the said circumstances, the Plaintiff namely Dr.S.K.Nayak being the Director General and Chief Executive Officer of the Central Institute of Plastics

Engineering & Technology (“CIPET”) filed this suit. Therefore, the evidence given by P.W.1 and P.W.2 and the documents exhibited on the side of the Plaintiff are proved the case of the Plaintiff as during the relevant point of time, the Defendant made defamatory allegations against the Plaintiff. Therefore, the Plaintiff is entitled for the relief as prayed for.

10. In the result, the Suit is Decreed as prayed for with costs.

03.03.2021

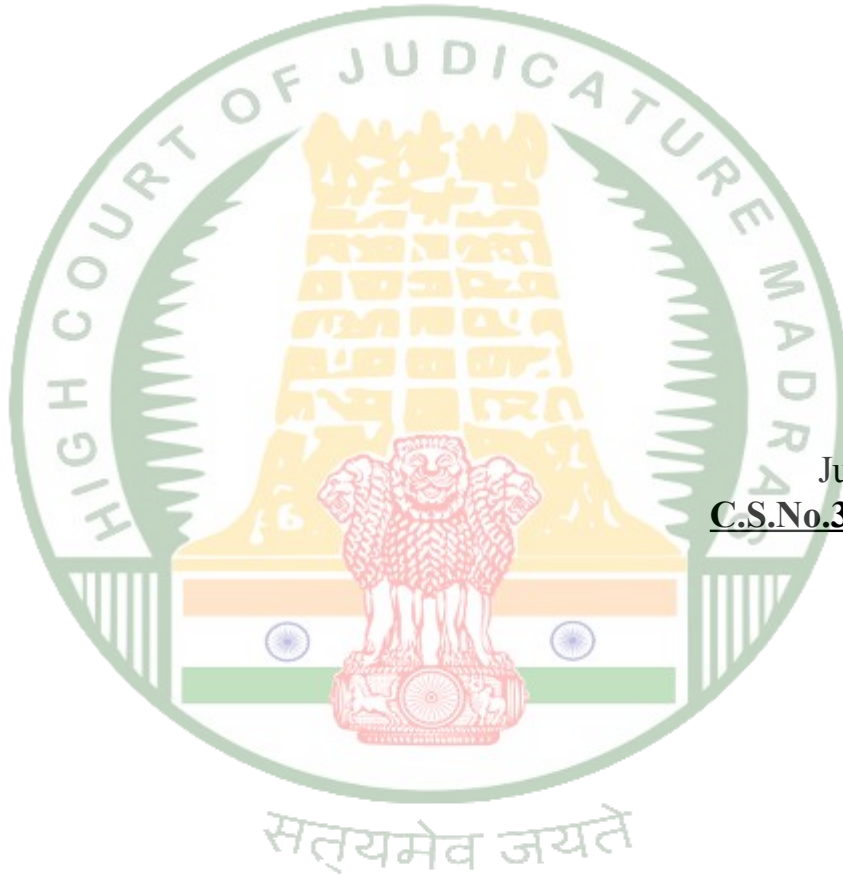
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