

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M No.8164 of 2021 (O&M)****Date of Decision: 22.02.2021**

Amit Khanna

..... Petitioner

V/s.

S.H.O. P.S. Sadar, Bathinda & Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sandeep Bansal, Advocate for
Dr. Rau P.S. Girwar, Advocate for the petitioner.

Mr. Varun Gupta, Advocate for respondent Nos.3 and 4.

Mr. J.P. Ratra, DAG, Punjab.

Arvind Singh Sangwan, J.(Oral)

The prayer in this petition is for issuing of a direction to respondent Nos. 1 and 2 to conduct enquiry/ investigation and decide a complaint filed by the petitioner dated 03.11.2020 (Annexure P2) and to take appropriate action in view of the same.

The counsel for the petitioner submits that he is working with IHM, Bathinda on the post of Lower Division Clerk (DEO) and had filed CWP No.17380 of 2020 titled as Amit Khanna Vs. State of Punjab and Others for issuance of similar direction which was however, dismissed as withdrawn on 16.10. 2020 with liberty to move the Criminal Court, under the relevant provisions of law.

The counsel for the petitioner further submits that the petitioner has also filed CWP No. 15193 of 2020 (Annexure P4) wherein he has prayed for deciding another representation dated 15.09.2020 as the petitioner was put under

suspension without conducting the preliminary enquiry on 04.08.2020. The said

petition was disposed of on 23.09.2020 with a direction to the Chairperson, IHM, Bathinda to decide the representation dated 15.09.2020, within a period of two months.

The counsel for the petitioner submits that in the representation (Annexure P2) the petitioner has made a complaint against the private respondents who are the Principal and other officials of Institute of Hotel Management, Bathinda, for some financial irregularities and to take action against them as even in the recruitment of 52 employees made by them was done without following service rules.

The counsel for the petitioner has further stated that though a FIR No. 134 under sections 420, 406 IPC stands registered on 03.07.2020 in Police Station Sadar, Bathinda against respondent Nos. 3 and 4, however, no action is being taken.

The learned State counsel, in response to the advance notice, assisted by Mr. Varun Gupta, Advocate appearing for respondent Nos. 3 and 4 has further submitted that the petitioner is habitual of filing repeated petitions.

The learned State counsel has submitted that even a similar petition bearing CRM-M No. 35643 was filed by one Veer Singh which was decided on 15.02.2021. The operative part of the order reads as under:

“ The instant petition has been filed under Section 482 Cr.P.C., inter alia seeking issuance of direction to respondents No.2 to 4 for conducting fair investigation and to look into the pending complaint filed by the petitioner as public interest on dated 13.08.2020 (Annexure P-1), which is stated to be pending before respondent No.4.

It has been inter alia contended by the learned counsel for the petitioner that a complaint dated 13.08.2020 (Annexure P-1) was made to the Chief Secretary, Punjab along with other officers/officials to probe into the matter, however, despite a huge financial and recruitments scam having come to light in Institute of Hotel Management,

Bathinda, the official respondents have failed to fairly investigate the matter and have been turning a blind eye to the same.

On a point query put to the learned counsel for the petitioner, as to his locus standi to file the instant petition under Section 482 Cr.P.C., he has submitted that he was a practising advocate and was pursuing the case in public interest.

On the last date of hearing, learned counsel for the petitioner had sought an adjournment to go through the judgment of the Apex Court rendered in Sanjai Tiwari Vs. The State of Uttar Pradesh and another, 2021(1) RCR (Criminal) 284, for making out a case in support of his locus standi to file the instant petition. However, he has miserably failed to satisfy this Court qua his locus standi, as he is not even remotely connected, much less, is a victim of the alleged financial scam.

Petition stands dismissed accordingly. However, petitioner is at liberty to avail of alternate remedy as may be available to him in law.”

The learned State counsel further submits that even another CWP No.20223 of 2020 was filed by the petitioner Amit Khanna in which he referred to the aforesaid CWP No.17830 of 2020 and CWP No.1518 of 2018. It is stated that some enquiry is pending regarding recruitment made by the officials of IHM, Bathinda and on a statement made by learned State counsel that the pending enquiry will be concluded within three months, the said petition was disposed of on 14.12.2020 directing the respondents to complete the enquiry within three months.

Learned counsel appearing for respondent Nos.3 and 4 also submitted that the petitioner is repeatedly filing the petitions and is represented by the same counsel.

After hearing counsel for the parties, I find no ground to issue a direction to the respondents to decide the complaint (Annexure P2).

On the face of it, a perusal of the order dated 15.02.2021 shows that Dr. Rau P.S. Girwar, the learned Advocate appearing for the petitioner is the counsel representing the petitioner-Amit Khanna in all the petitions including the

petition filed by Veer Singh which was dismissed holding that Veer Singh-petitioner has no *locus standi*.

This fact has been concealed in the present petition. Even otherwise, mere fact that the petitioner has filed CWP No.17380 of 2020 which was withdrawn to file a criminal petition is no ground to entertain the present petition as the primary grievance of the petitioner is against recruitment of all the employees by the Board of Governors of IHM, Bathinda and the same is subject matter of civil litigation as noticed above.

Till the time, any findings have been recorded by a competent Court/ Enquiry Officer in the recruitment that any illegality resulting into commission of an offence punishable under the criminal law is made out, no direction can be issued to the police authorities to conduct an enquiry.

Finding no merits, this petition is dismissed.

22nd February, 2021

Sonia Puri

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No