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

+ **W.P.(C) 2910/2022**

Y N BYREGOWDA

..... Petitioner

Through: Mr. Abhay Kumar Bhargava, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Anshuman and Mr. Prakash
Kumar, Advocates.

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Date of Decision: 16th February, 2022

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

J U D G M E N T

MANMOHAN, J: (Oral)

1. The petition has been heard by way of video conferencing.
2. Present writ petition has been filed by the petitioner seeking directions to the respondents to provide and furnish details and particulars of the criminal case instituted against the petitioner due to the theft incident that took place on 17th May, 2005 at the Kolkata Port Trust, as sought vide representation dated 22nd December, 2021.
3. In the present petition, it has been averred that petitioner joined CISF in 2004 and was posted at the godown of the Kolkata Port Trust.
4. It has been further averred that due to excessive heat in the tin shelter of the godown, the petitioner developed medical ailments and hence sought



a change in duty location which was granted and the petitioner was transferred to NSD Gate No.3 Kolkata Port Trust. On 17th May, 2004, an unauthorised container carrying a significant amount of Raw Silk illegally passed through GRJ Gate no 3 of Kolkata Port Trust and was stolen.

5. Learned counsel for the petitioner states that though the petitioner was posted at NSD Gate No.3 of Kolkata Port Trust which is manned by the 'D' company and the incident occurred at the GRJ Gate No.3 of the Kolkata Port Trust which is manned by 'C' company, yet the petitioner was accused of conspiracy without any evidence for illegal act whereby Raw Silk was stolen.

6. Learned counsel for the petitioner states that the petitioner has been dismissed from service on account of the said incident vide order dated 10th February, 2005 and his appeal and review filed before DIG and IG have also been dismissed.

7. He further states that the incident lead to filing of criminal case against various CISF personnel. He emphasises that the petitioner was not arrayed as an accused in the said case. He states that the petitioner's representation dated 22nd December, 2021 to know the status of the criminal case from the DG CISF has not yielded any response.

8. After hearing learned counsel for the petitioner, this Court is of the view that the present writ petition is a 'mischievous attempt' on the part of the petitioner to create a fresh cause of action to challenge his dismissal – which order has already attained finality in 2005.

9. Further, DG, CISF, is not supposed to provide details of criminal cases to all its dismissed personnel. If the petitioner has a right to obtain copies of criminal proceedings, he would be at liberty to approach the



concerned Court and it would be for the concerned Court to take a decision thereon in accordance with law.

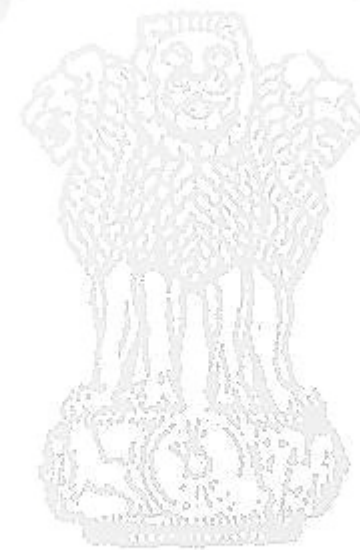
10. Consequently, this Court is of the view that the present writ petition is an abuse of the process of law and accordingly, the same along with pending applications is dismissed with costs of Rs.15,000/- to be paid to CISF.

MANMOHAN, J

NAVIN CHAWLA, J

FEBRUARY 16, 2022

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