

\$~57

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

% ***Date of decision: November 2, 2022***

+ **W.P.(C) 15157/2022 & CM. APPL. 46880-81/2022**

ANAND SINGH

..... Petitioner

Through: Mr. Suresh Sharma, Advocate

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Ms. Beenashaw N. Soni, SPC with
Mr. Gokul Sharma, GP, Ms. Mansi
Bhatia, Mr. Bhupesh Pahdotra and
Mr. Pratyush Bhardwaj, Advocates
for UOI/R-1

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

%

02.11.2022

1. By way of the present petition, the petitioner seeks following reliefs:-

i. To quash the Order dated 10.06.2017 appointing court of inquiry board by non-competent authority (Annexure P- 05) and all further actions taken thereunder;

ii. To quash and set aside Charge Memorandum No. D.IX- 22/2021- CRC dated 22.11.2021 (Annexure P-01), based on Court of Inquiry report.

iii. To quash and set aside the SELO message dated 18.10.2022 (Annexure P-16).

iv. To quash and set aside the Daily Order Sheets No. 06, 07, 08, 09, 11 and 12 dated 12.07.2020, 29.08.2022, 03.09.2022, 05.09.2022, 11.10.2022 and 17.10.2022 respectively [Annexure P-06(Colly.)]

v. To declare the action of the respondent No.3 to ask the Petitioner to submit his Written Statement of Defence without giving reasonable opportunity to file an effective defence statement by not providing all the documents mentioned in annexure -III as listed documents in the memorandum which were repeatedly asked by petitioner by his letter dated 21/12/21 required for his effective defence, as illegal, arbitrary and unjustified.

2. Learned counsel appearing on behalf of the respondents on advance notice has informed this Court that a similar petition was filed by the petitioner bearing no.SWP 1975/2017 before the High Court of Jammu & Kashmir and after filing the counter affidavit, during the course of arguments, the same was dismissed as withdrawn on 21.11.2020. Thereafter, the petitioner has filed another petition bearing W.P.(C) No.213/2022 before the said High Court and the same is pending consideration and the next date of hearing is 09.12.2022.
3. Contrary thereto, at page 30 of the present petition, it has been specifically mentioned by the petitioner that the petitioner has not filed any other similar petition before this court or any other court. This reveals that, the petitioner has not only concealed the above facts from this court, but has rather specifically mentioned that he has not filed any similar petition before any other court.
4. On this ground alone the petition is liable to be dismissed.
5. In view of the above statement, though the petitioner is liable for perjury, however, we refrain from passing such orders.
6. The petition is accordingly dismissed.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

NOVEMBER 2, 2022/akr