

Item No.4
30.07.2024
Court. No. 9
GB

W.P.A. 24744 of 2023

Gorachand Chatterjee
Vs.
The Union of India & Ors.

*Mr. Subhasish Sengupta,
Mr. Nirmalya Chatterjee*

...for the Petitioner.

*Mr. Krishnendu Bhattacharya,
Mr. L. Vishal Kumar*

...for the U.O.I.

1. Affidavit-of-service filed in Court today, is taken on record.
2. The writ petition has been filed by a retired Superintendent of the Narcotics Control Bureau. He prays for a direction upon the authority to grant him a reward for seizure of narcotics, sometime in 2004.
3. The learned advocate for the petitioner submits that the prayer of the petitioner was turned down by the authority without any reasons. Thereafter, the petitioner preferred an appeal before the first appellate authority. Ultimately, the petitioner's claim was rejected at all levels on the ground that his claim was devoid of merits.
4. The learned advocate for the respondents submits that the petitioner cannot claim a reward as a matter of right. The authorities responsible to assess the matter had already observed that the incident was of 2004, but the Zonal Director had recommended the case for grant of reward only in 2014. No financial investigation

could be made due to lack of proper documents. Without any basis and without any factual finding as to whether the petitioner deserved the reward for the alleged seizure of the narcotics in the 2004, the competent authority could not pass any order in favour of the petitioner. The authority had given specific reasons as to why the matter could not be decided in favour of the petitioner.

5. Several authorities were approached by the petitioner and the appellate authority also rejected the claim. The petitioner was informed that the decision to grant a reward was to be taken by the competent authority and the competent authority did not recommend the case. The competent authority i.e., the Director General of Narcotics Control Bureau, rejected the claim. The petitioner also approached the Home Minister and the petitioner was apprised that in consultation with the Ministry of Home Affairs and the Director General, Narcotics Control Bureau, the prayer of the petitioner was found to be without merits. The note sheets indicating the reasons for such denial were also forwarded to the petitioner.
6. The petitioner relies on a recommendation made by the Zonal Director. The records reveal that the matter was considered by the competent authority and other authorities. Pages 50 and 51 of the writ petition are the note sheets which indicate that the matter was elaborately considered by the appropriate authority at

every level. Even the Director General of Narcotics Control Bureau, who is the competent authority, was of the view that request of the petitioner for sanction of reward could not be accepted on merits. The relevant portion of the note sheet are quoted below for convenience:-

Accordingly, the “52. The matter has been examined. It is noteworthy that the seizure of 2783 Kg of cannabis was affected by the Kolkata Zone on 05.09.2004. However, reward proposal for the said case was submitted by the ZD, Kolkata only vide his letter dated 29.05.2014 (pp.47-49/c), i.e. after a lapse of nearly 10 years in the matter. It is not clear as to why the reward proposal was submitted so late. There is no justification either in the communication from the Zonal Director. Further, the ZD had himself mentioned that “no financial investigation however could be conducted in this case because of want of proper documents and **thus, it may not qualify as a reward worthy case if judged strictly in terms of the relevant notification in this regard issued by the Department of Revenue.** But the point remains that the intelligence collection and detection was really creditable. Thus, if considered from this view point, action of the officials as well as of the informer may be rewarded by the competent authority.”

53. The said reward proposal was duly put up on file vide page 1-2/n. The DD (Ops) submitted this file on 13.08.2014 to the DDG (Ops) (the Reward sanctioning authority) with the remarks “No reward in this case can be given as no financial investigation was done. This view is also accepted by the ZD, Kolkata. Hence, it may be closed.” The DDG (Ops) approved this proposal on 13.08.2014.

54. It would be evident that the reward proposal was duly considered at the time of its submission to the headquarters and closed by the competent authority. It is also noteworthy that as per the Guidelines for Grant of Reward to informer and Government Servants 2017, it has been stated in para 3.1 as under:

“Reward should not be granted as a matter of routine:- Reward is purely an ex-gratia payment which, subject to guidelines, may be granted based on the judgment of the

authority competent to grant rewards and taking into account facts and circumstances of each case and cannot be claimed by anyone as a matter of right.”

55. It is, therefore, evident that reward cannot be demanded as a matter of right. Furthermore, the Department of Revenue has clarified vide their letter dated 10th October, 2017 that the new guidelines issued in 2017 would be applicable from the date of issuance of the same and in cases which have not been processed till date of issue of the guidelines. The instant matter had already been processed in 2014 and after due consideration, not found reward worthy. As such the case cannot be opened again.

56. As such the request of Shri Gora Chand Chatterjee for sanction of reward to informer does not merit acceptance.”

7. Thus, the contention of the petitioner that there no reasons had been assigned while denying the reward to the petitioner, is not correct.
8. The second contention of the petitioner that the eligibility of the petitioner would be available from the guidelines of 2015, is also not accepted as the case of the petitioner was disposed of in 2014, thereby denying him the reward. The note sheet which has been discussed hereinabove deals with the entire reconsideration of the case as per the petitioner's continuous persistence. A writ court cannot direct the authority to grant a reward which the authority has denied on the ground that no financial investigation could be undertaken in order to come to a finding that the petitioner was involved in the process of seizure and he was entitled to a reward.
9. The relevant portions have already been quoted hereinabove which were given in justification of the

denial of the right of the petitioner. The recommendation of the Zonal Director also contains a paragraph which states that no financial investigation could be conducted in this case because of want of proper document and, thus, the case may not qualify as a reward worthy case, judged strictly in terms of the notification of the Department of Revenue. However, the authority was of the view that the seizure was credible and the officials as also the informer may be rewarded by the competent authority. Thus, this communication itself indicates that the Zonal Director, while making the recommendation, was conscious of the fact that the case could not be treated as a reward worthy case in accordance with the relevant notifications.

10. Under such circumstances, a mandamus cannot be issued upon the authorities directing them to grant a reward to the petitioner in the absence of any legal right of the petitioner and in the absence of any material before the competent authorities. Upto 2019, the authorities looked into the matter with due seriousness. Without an investigation and cogent evidence as to the involvement of the petitioner and the informer in the seizing process, a reward could not be granted. Such was the final decision of the competent authority. In judicial review, the scope of interference is limited. The petitioner has not been able to show any illegality in the decision making

process. There is no allegation of non-compliance of the applicable notifications.

11. The findings cannot be quashed by the writ Court and the decision of the authority in this regard should be treated as final. Several authorities at different levels have considered the matter over a period of years.
12. Accordingly, writ petition is dismissed.
13. However, there will be no order as to costs.
14. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)