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

+ **W.P.(CRL) 613/2024**

VIJAY KUMAR AGARWAL Petitioner

Through: Petitioner in person.

versus

**THE STATE GOVT. OF NCT OF DELHI
AND ORS.**

..... Respondents

Through: Mr. Yasir Rauf Ansari, ASC (Crl.)
with Mr. Alok Sharma and Mr. Vasu Agarwal,
Advocates for State with SI Antriksh Rathi, PS:
Mandawali.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER

% **22.02.2024**

CRL.M.A. 5671/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This writ petition has been filed by the Petitioner seeking the following relief:-

"It is, therefore, most respectfully and most humbly prayed that the respondent No. 1 may kindly be directed to register an appropriate criminal case against the respondent Nos. 2 to 3 in pursuance of the complaint of the petitioner dated 07.12.2023."

4. Petitioner, who appears in person, makes two-fold submissions:
(a) there is non-compliance of orders passed by the Courts granting reliefs of promotion and other service benefits to the Petitioner; and (b) the course of conduct adopted by Respondents No. 2 and 3 by wilfully and knowingly



disobeying the orders of the Court and denying him the benefits of promotion etc., with an intent to cause injury to the Petitioner, amounts to committing offences under Sections 166 and 420 IPC.

5. Petitioner is an ex-IAS Officer, who joined service on 01.09.1982. It is averred in the petition that the Supreme Court passed an order granting Senior Time Scale to the Petitioner on 30.08.1988. Subsequently, Charge Sheet issued to the Petitioner alleging unauthorized absence was also set aside by the Central Administrative Tribunal vide order dated 18.11.2003 and the order was upheld by this Court and finally by the Supreme Court on 29.01.2014. It is averred that Petitioner is entitled to Senior Time Scale by virtue of the orders of the Supreme Court and further promotion to Junior Administrative Grade on completion of 09 years of service; Selection Grade on completion of 13 years of service; Super Time Scale on completion of 16 years of service as well as further consequent promotions including to the Grade of Chief Secretary, on completion of 30 years of service, as a fallout of the litigations in which he has succeeded including setting aside of the charge sheet issued against him. Despite orders of the Supreme Court and this Court, the concerned authorities are knowingly and wilfully disobeying the directions of the Courts, with an intent to cause injury to the Petitioner *inter alia* by not granting him the aforementioned service benefits. Petitioner has filed a complaint dated 07.12.2023 addressed to the concerned Authorities and the Higher Authorities, bringing to light his grievances but Respondent No.1 is not registering criminal cases against Respondents No. 2 and 3 for non-compliance of Court orders and abetting in committing of suicide by the Petitioner. Even after passage of so many years, the sealed cover containing recommendations of Departmental Promotion Committee



has not been opened till date. Acts and omissions of Respondents No.2 and 3 amount to abetment to commit suicide and thus direction be issued to Respondent No. 1 to register a criminal case against them under Section 166 IPC.

6. Learned ASC appearing on behalf of the State, on advance copy of the petition, objects to the maintainability of the present petition. It is submitted that the grievances ventilated in the present petition are essentially pertain to service matter disputes and thus the petition cannot be entertained by this Court. Even assuming for the sake of arguments that Petitioner is aggrieved by the alleged non-compliance of the orders passed by the Courts granting him benefits of promotions etc., remedy lies in approaching the Civil Court or filing a contempt petition. Attention of the Court is also drawn to paragraph 25 of the petition, wherein it is the case of the Petitioner himself that his service matter disputes are still pending before the Supreme Court and this Court, implying that the disputes have not attained finality and therefore, Petitioner cannot insist on registration of criminal cases against Respondents No.2 and 3. Allegations that the acts or omissions of Respondents No.2 and 3 amount to abetment to committing suicide, are wholly false and baseless.

7. I have heard the Petitioner in person and learned ASC for the State.

8. After carefully perusing the averments in the present petition, this Court finds merit in the contention of the learned ASC that present petition is not maintainable. Plain reading of the petition shows that the grievances put forth by the Petitioner essentially pertain to service matter disputes. Petition is replete with details of various cases filed by the Petitioner seeking time scale promotions etc. as well as challenging the charge sheet issued in



the departmental proceeding. The grievances of the Petitioner concerning service matter disputes cannot be agitated in the present Forum by way of the present petition *albeit* he may have other remedies in law. Prayer seeking directions to Respondent No. 1 to register criminal cases against Respondents No. 2 and 3 for offences committed under Sections 166 and 420 IPC is equally misconceived, as alternate remedies are available to the Petitioner in law. In *Sakiri Vasu v. State of Uttar Pradesh and Others, (2008) 2 SCC 409*, the Supreme Court has observed that practice of litigants approaching in writ petitions without resorting to alternate remedies must be discouraged.

9. For all the aforesaid reasons, this petition cannot be entertained and is accordingly dismissed. Liberty is reserved with the Petitioner to take recourse to appropriate remedies in law, making it clear that this Court has not expressed any opinion on the merits of the case.

JYOTI SINGH, J

FEBRUARY 22, 2024/shivam