



2025:DHC:4082-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 332/2025, CM APPL. 30020/2025 & CM APPL. 30021/2025

G VEERABAHU

.....Appellant

Through: Mr. Kuldip Babbar, Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Ms. Manisha Agrawal Narain,
CGSC with Mr. Chandan Singh, Mr.
Abhishek Kumar, Advs. for UOI

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Date of Decision: 16.05.2025**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGEMENT****TUSHAR RAO GEDELA, J: (ORAL)**

1. The present letters patent appeal has been filed assailing the judgment dated 31.01.2025, whereby the learned Single Judge has declined to entertain the writ petition filed by the appellant bearing W.P.(C) 1272/2025 titled *G Veerabahu vs. Union of India & Ors.*, on the ground that the appellant had no locus standi to maintain the underlying writ petition.

2. The appellant had preferred the underlying writ petition challenging the vigilance clearance granted to the respondent no.4/Ms. Neeta Prasad (Director General in Press Information Bureau (PIB), HQ, Ministry of Information and Broadcasting) for the period when she was posted as Joint Secretary and Central Vigilance Officer (hereinafter referred as "CVO") in the respondent no.5/National Institute of Educational Planning and



Administration (hereinafter referred as “NIEPA”).

3. It is the case of the appellant that he had filed a complaint no. 54073/2024 dated 24.04.2024 with the respondent no.3/Central Vigilance Commission (hereinafter referred as “CVC”) against the respondent no.4 stating that she had failed to take action against NIEPA, for violating the decision of Board of Management (BoM) of NIEPA, whereby BoM had decided that one Dr. B.K. Singh, Ex-Registrar of NIEPA is not eligible for retirement benefits as he was appointed against a tenure post on contractual basis. It was on 24.10.2024 that the appellant had been informed through the RTI reply that appellant’s complaint about respondent no.4 has been duly examined by CVC and was forwarded to the CVO, Ministry of Education (hereinafter referred as “MoE”) on 05.09.2024 for comments/report, based on which suitable action will be taken by the competent authority.

4. Thereafter, on 15.11.2024, the appellant came to know that respondent no.4 is not working in the MoE anymore despite her extension till 31.01.2025; she got relieved on 31.10.2024 from the MoE; proceeded on earned leave till 29.11.2024; and promoted as Director General in PIB, HQ, Ministry of Information and Broadcasting on 12.12.2024. Subsequently, the appellant made a complaint to the Hon’ble Prime Minister of India and other Ministers and Officials stating that respondent no.4 by suppressing the vigilance complaint forwarded by CVC, and to get her retirement benefits has gone back to the PIB, HQ, during the pendency of the vigilance complaint.

5. It is the case of the appellant that the respondent no.4 had misused her official position as the vigilance officer of the MoE by suppressing the complaint forwarded by the CVC to get “No Dues Certificate” and



“Vigilance Clearance” from the MoE as she was set to retire on 31.01.2025, which is in complete violation of DoPT OM No.104/33/2024 AVD-IA dated 09.10.2024 on “Revised Guidelines regarding grant of Vigilance Clearance to AIS Officers and Central Civil Services/Central Civil Posts” (hereinafter referred as “*DOPT OM dated 09.10.2024*”).

6. That the background of the appellant’s grievances stems from the fact that when respondent no.5/NIEPA forfeited appellant’s lien in 2019, the Ministry of Human Resource Development (MHRD) of MoE on 07.07.2020 ordered respondent no.5/NIEPA to review its decision. However, Prof. Varghese, Ex-VC of Respondent no.5/NIEPA, did not take any action and constituted a committee which never met to review the lien of the appellant. Immediately after his termination by IIM Trichy, the appellant made representation to the Secretary, Department of Higher Education, MoE about his victimization and termination during Covid-19 pandemic period.

7. It is the case of the appellant that when his complaint was processed by the PN-1 Section in MHRD, respondent no.4 recorded that all the three institutes (IIM Trichy, NIEPA and NIT Trichy) had not followed the procedures and recommended to seek a report from them. Following this, NIEPA in its reply informed MHRD that they had restored the appellant’s lien and NIT Trichy had also sent the cancellation report, however, the same was not informed to the appellant.

8. It is the case of the appellant that the respondent no.4 failed to process the appellant’s representations and took no action despite being informed about rule violations by former Registrars of respondent no.5/NIEPA. That she also did not intervene when the appellant was not allowed to rejoin by the then VC of respondent no.5/NIEPA, thereby



neglecting her duty.

9. It is the case of the appellant that in 2021 and thereafter, respondent no.4 had neglected her responsibilities as Joint Secretary and Ex-Officio Board (CVO) member by failing to act on illegal transfer of retirement benefits to Ex-Registrar of respondent no.5/NIEPA (B.K.Singh) despite being informed, thus, repeatedly acting in dereliction of her duty. That by not acting on the complaint of the appellant forwarded by the CVC against her functioning as CVO, she had indirectly helped ex-Registrar of respondent no.5/NIEPA and Ex-VC of respondent no.5/NIEPA, Prof. NV Varghese went back to PIB HQ to get the retirement benefits.

10. In such circumstances and aggrieved by such inaction, the appellant preferred the underlying writ petition seeking the following prayers:-

“a. To set aside the Vigilance Clearance Certificate issued by Secretary, Dept of Higher Education, Ministry of Education as the Certificate was obtained in violation of DoPT OM No. 104/33/2024 AVD - IA dated 09.10.2024 on "Revised Guidelines regarding grant of Vigilance Clearance to AIS Officers and Central Civil Services/ Central Civil posts;

b. Issue appropriate directions to respondents Nos 1, 2 & 3 to ensure that Ms. Neeta Prasad (respondent No 4) should submit her reply before her superannuation on 31.01.2025 to Secretary, Dept of Higher Education, Ministry of Education through Secretary, Ministry of Information and Broadcasting or Principal Director General, PIB HQ;

c. Issue appropriate directions to Secretary, Dept of Higher Education, Ministry of Education through Secretary, Ministry of Information and Broadcasting (Respondent No 1) to get the reply from Ms. Neeta Prasad Respondent No 4, scrutinize the reply submitted by her and take action as deemed fit apart from examining the said reply as per rules and forward the same to eve (Respondent No 3) as eve (Respondent No 3) has asked for factual reply from then CVO Ms. Neeta Prasad (Respondent No 4);



d. Issue further directions to, eve (Respondent No 3), thereafter, to decide the further course of action and intimate to Secretary, Dept of Higher Education and the petitioner before 31.01.2025 as Ms. Neeta Prasad (respondent No 4) will be retiring on 31.01.2025.

e. Issue such appropriate directions that CVC (respondent No 3) should scrutinize the reply forwarded by Secretary, Dept of Higher Education, Ministry of Education (respondent No 1) and dispose of the complaint of the petitioner within a stipulated time/time-bound manner;

f. Issue such appropriate directions that eve (respondent No 3) should also issue guidelines or recommendations to Ministry of Education (respondent No 1) in particular that in future such incidents of misuse of Official position should not happen in dealing with Vigilance Complaints.

g. Directing the respondents to pay cost of litigation as determined by this Hon'ble court to the petitioner."

11. *Vide* impugned order dated 31.01.2025, learned Single Judge dismissed the underlying writ petition on the ground that the appellant had no locus standi whatsoever as regards to the averments contained in the underlying writ petition. Aggrieved thereof, the present appeal has been filed by the appellant.

12. Mr. Kuldip Babbar, learned counsel for the appellant argues that despite clear instructions contained in DOPT OM dated 09.10.2024 regarding vigilance clearance to All India Service Officers and Central Civil Services, the respondents have granted all retirement benefits to respondent no.4 without appreciating that his complaint against respondent no.4 was pending. He states that according to the said DOPT OM dated 09.10.2024, if there are any complaints in respect of misconduct or corruption or other similar charges, it is mandatory to obtain a clearance certificate from the respondent no.3/CVC before the retiral benefits accrued to All India Service Officers is processed. He claims that in the present



case, the respondents have failed in complying with the conditions contained therein and have processed the retiral benefits accruable to the respondent no.4. He also contends that the processing of the retiral benefits is unlawful and contrary to the directions in the DOPT OM dated 09.10.2024 inasmuch as the appellant had submitted a complaint dated 24.04.2024 with respondent no.3/CVC against respondent no.4 on the ground that she had failed to take action against respondent no.5/NIEPA for violating the decision of Board of Management of NIEPA whereby the case of Ex-Registrar of NIEPA was held as not eligible for retiral benefits as he was appointed against a tenure post on contractual basis.

13. He also contends that the petitioner's aforesaid complaint was being tossed from one department to the other and in the meanwhile, the retirement benefits of respondent no.4 were being processed without the complaint being taken to its logical conclusion in accordance with the directions contained in DOPT OM dated 09.10.2024. According to the learned counsel, unless the complaint is processed first and the CVC either grants or refuses to grant clearance certificate to respondent no.4, none of the retiral benefits accruable to respondent no.4 could be processed, much less released at all in the first place. He fairly admits that the respondent no.4 had already retired on 31.01.2025 and all her retiral benefits have already been released. In that view of the matter, learned counsel submits that his prayer for a direction to respondent no.3/CVC to consider his complaint dated 24.04.2024 and pass appropriate orders thereon may be granted by this Court.

14. Having heard learned counsel for the appellant, we find no reason to interfere with the impugned judgment of the learned Single Judge.

15. On a query by this Court, learned counsel for the appellant admits



that the appellant has been dismissed from service from respondent no.5/NIEPA. On a further query as to his locus to challenge the right of respondent no.4 to seek retiral benefits accruable to her, learned counsel was unable to answer the same. He had vaguely argued that at the time when his complaint was sent to CVO of MoE, the respondent no.4 herself was occupying the said position of CVO in the said ministry. In such circumstances, he argued that the respondent no.4 concealed the complaint and failed in her duty as a CVO. According to the learned counsel, this fact was never checked nor considered by any of the authorities. However, learned counsel was unable to point out any document to sustain the aforesaid arguments and therefore, are rejected being unmerited and unsubstantiated.

16. So far as the prayer of the appellant for a direction to respondent no.3/CVC to consider his complaint dated 24.04.2024 is concerned, it does not appeal to our conscience. In this context, learned Single Judge had already clarified that the appellant was not precluded from pursuing his complaint before the concerned authorities, if permissible under the applicable rules and regulations.

17. We have also perused the directions contained in DOPT OM dated 09.10.2024 and do not find any clause stipulating the mandatory character of issuance of a vigilance clearance certificate by the respondent no.3/CVC. Learned counsel was also unable to point out any mandatory condition of such nature, in the absence whereof, the All India Services Officer would be disentitled to claim retiral benefits till the time the complaint is not processed one way or the other. Finding no rule or regulation to that effect on record, we are unable to appreciate the arguments of the appellant. Thus in view thereof, there is no merit in the present appeal and it is liable to be



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dismissed.

18. That apart, from the perusal of the record and as admitted by the learned counsel for the appellant, the appellant appears to be a disgruntled employee of respondent no.5/NIEPA while respondent no.4 was heading it or was in a superior position. It appears that the appellant's disgruntlement has arisen from such dismissal which appears to be the source for the present litigation. In that view of the matter too, we are not inclined to interfere with the impugned judgment of the learned Single Judge.

19. In view of the aforesaid, the present appeal alongwith the pending applications stand disposed of.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

MAY 16, 2025/kct/rl