(2017) 02 MEG CK 0025

In the Meghalaya High Court

Case No : 2 of 2017

Craig Nicholas Janong Sooting APPELLANT

Vs

Union of India & Ors RESPONDENT

Date of Decision : 13-02-2017

Acts Referred:

Citation : (2017) 02 MEG CK 0025

Hon'ble Judges : Dinesh Maheshwari

Bench : Single Bench

Advocate : Ms. P. Nongru, N. Mozika, K. Sunar

Judgement

1. Having heard learned counsel for the parties, particularly the learned counsel for petitioner, at length; and having perused the material placed on

record, this Court is not persuaded to entertain this writ petition.

2. The petitioner, who joined the service with the respondent No. 2 Food Corporation of India (""the respondent Corporation"" hereafter) on

10.07.2014 and was posted to Agartala on 16.07.2014; and who ultimately resigned from service in the month of August, 2015, has taken

elaborate pleadings in this petition, essentially suggestive of his disputes with the respondent Corporation and its officers as regards his claims of

travelling allowance and daily allowance while alleging that the respondents had treated him with discrimination and had unfairly denied him the due

payment. The petitioner has indicated that he resigned and thereafter made several applications under various mechanisms which were never

replied and the matter was sought to be shuttled here or there. The petitioner has alleged that the functioning of the office of the respondent - Food

Corporation of India is not in accord with law and his grievances have not been taken up for proper redressal while indicating that he has filed at

least thirteen grievances, one after another, on the public grievance redressal mechanism and while also indicating that later on, some incomplete

payment to the tune of Rs. 1,362/- (Rupees one thousand three hundred and sixty-two) was sought to be made to him which he returned. While

suggesting that he is left with no alternative but to approach this Court, the petitioner has claimed the reliefs in the following manner:

1. Allow this petition and allow for its amendment and annexing of additional annexures, as and when necessary, during the admission and hearing

and up to its disposal.

2. Call for requisite records from the offices of the respondent-corporation.

3. Issue a writ of mandamus directing R-1 to issue appropriate instructions and/ or orders to thwart the respondent-corporation from misusing

public funds.

4. Issue a writ of mandamus directing the respondent-corporation to take adequate measures to reduce the inadequacies in the functioning and to

curtail the excesses of its Cat - I and II employees.

5. Issue a writ of mandamus directing R-1 and the respondent-corporation to take adequate measures to ensure that its rules and regulations,

circulars and policies are followed uniformly across the board.

6. Quash the Corrigendum dated 01.08.2014 issued by R-4, so that all the recruits may avail of the TA entitlements equally.

7. Stay the Office Order No 66 dated 28.06.2016 insofar as it effects the transfer of Shri Indranil Mandal to the Vigilance Division of the

respondent-corporation during the admission and hearing - and to quash it after final disposal - of this Writ Petition.

8. Initiate and supervise a full-fledged investigation into the abuse of financial powers and misuse of government funds.

9. Remove guilty delinquents from service.

10. Award the humble petitioner the cost of litigation, Rs. 50,000/- in full settlement of his legitimate claim(s) from the Corporation, Rs.

30,00,000/- for punitive damages and exemplary costs.

11. Recover the above award from the respondents as deemed appropriate.

12. To pass such other orders and further orders as may be deemed necessary

on the facts and in the circumstances of the case.

3. Learned counsel for the petitioner has made elaborate submissions with reference to the pleadings in the writ petition that the transfer TA/DA

was wrongly denied to the petitioner; that the respondents dealt with his TA bills capriciously; that there had been unfair delay in dealing with the

bills; that the bills were misplaced in an irresponsible manner; that the petitioner was treated with discrimination; that there had been various

discrepancies which were not dealt with by the Vigilance Section of the respondent Corporation; and that there was abuse of office by the officers,

who acted in complete disregard of circulars. It is further submitted that despite the grievances being raised with the CAG office, the same have not

been redressed.

4. The learned counsel for the respondent No. 1, and respondents No. 2 to 4 on the other hand submit that the petition as framed neither discloses

specific personal cause of action of the petitioner nor the petitioner has made any specific prayer for his pending TA/DA bills, if any; and this

petition is more in the nature of a PIL and that too without any specifications. It is also submitted that the petitioner, if having any claim against the

respondent Corporation, should approach the Civil Court while claiming an appropriate relief. It is further submitted by the learned counsel for the

respondents No. 2 to 4 that the petitioner has now joined the other Government service and is serving in the Income Tax Department but this fact

is not disclosed in the petition.

5. In rejoinder, learned counsel for the petitioner submits that the petitioner got the other job only after drafting of this petition and even otherwise,

such a fact is not relevant for the present matter. Learned counsel for the petitioner further submits that the Civil Court would not be able to grant

the petitioner adequate relief. It is, however, maintained that the present petition is essentially on the personal grievance of the petitioner. It is

submitted that if the questioned corrigendum is set aside and the TA entitlements are properly dealt with, the grievance of the petitioner as also the

other employees would be redressed.

6. To put in a nut-shell, what could be discerned from the elaborate pleadings and submissions is that the petitioner had the grievance regarding his

claim for TA/DA on his first posting. Thereafter, the petitioner submitted another bill on 09.09.2014 for the sum of Rs. 2,390/- that remained

pending. The petitioner was sent to training in the month of December, 2014 and thereafter, he submitted the TA bill to the tune of Rs. 5,014/- but

this bill was cleared only for a sum of Rs. 3,320/-. The petitioner made representations claiming the earlier TA bills as also the differential amount

of the TA bill aforesaid. This claim of TA has been the basic cause of all the disputes. It appears that the petitioner ultimately decided to quit the

job with the respondent Corporation and submitted three months"" notice of his resignation. On 08.08.2015, the petitioner also sent a complaint

under the Vigilance Policy of the respondent Corporation. The resignation of the petitioner was accepted on 11.08.2015 and as per the own

showing of the petitioner, he submitted the application for withdrawal of CPF on 03.10.2015.

7. It appears that after having severed his ties with the respondent Corporation, the petitioner entered into a spree of RTI applications and

grievances/complaints and followed up with reminders and further grievances. These aspects need not be elaborated further for the reason that

though it is sought to be suggested that the petition is on the personal grievance of the petitioner but the reliefs as claimed are predominantly of

rather generalised nature and most of them could be anything but of personal cause of action of the petitioner. The relief clause No. 1 and 2 are for

entertaining the petition but then, in relief clause No. 3, a writ of mandamus is sought ""to thwart the respondent Corporation from misusing public

funds""; and relief clause No. 4, 5 and 6 are also in the nature of seeking mandamus for the purpose of the so called appropriate functioning of the

respondent Corporation. In relief clause No. 7, posting of respondent No. 5 to the Vigilance Division of the Respondent Corporation has been

questioned; and again, relief clause No. 8 and 9 are of general nature and could be anything but of personal cause of the petitioner. So far as his

own claim is concerned, the petitioner has claimed in the relief clause No. 10 that he be awarded ""the cost of litigation, Rs. 50,000/- in full

settlement of his legitimate claim(s) from the Corporation, (and) Rs. 30,00,000/- as punitive damages and exemplary costs"".

8. In a comprehension of the petition as framed and reliefs as claimed, it is but clear that the present petition is that of a haphazard misjoinder of

several suggestions and causes which include generalised suggestions and reliefs as regards functioning of the respondent Corporation as also the

personal cause of the petitioner. However, except relief clause No. 10, nothing of specific personal cause of the petitioner is seen. In the said relief

clause No. 10, the petitioner has claimed the amount of Rs. 50,000/- in the so-called full settlement of his legitimate claim(s), but it is difficult to find

from the petition the basis of such a quantification. The claim of an amount of Rs. 30,00,000/- towards punitive damages and exemplary costs has

hardly any foundation or logic. On the other hand, it is but clear that the petitioner has left the service of the respondent Corporation by resigning. If

at all the petitioner is now making any monetary claim against the respondent Corporation, such a claim would entail an enquiry into the facts on the

basis of evidence. The petitioner cannot be acceded the liberty to seek such an enquiry into the facts in the writ jurisdiction of this Court. As

noticed, all other reliefs as claimed in this petition are of generalised nature and hardly make out a case for adjudication by the Court when clubbed

up with the personal cause of the petitioner in the manner attempted in the present case.

9. Moreover, on the frame of this petition, where elaborate pleadings have been taken and variety of suggestions have been made, it remains

questionable that the petitioner has not disclosed the fact that at the time of filing this petition, he had joined the other Government service and was

serving with the Income Tax Department. The present status and occupation of the petitioner cannot be said to be altogether irrelevant aspects in

this case. Thus, the petition also suffers from non-disclosure of relevant facts regarding the present status of the petitioner.

10. In ultimate analysis, neither this writ petition appears calling for adjudication by this Court nor the petitioner appears entitled for any relief in the

writ jurisdiction of this Court. Hence, this petition deserves to be dismissed at its threshold. However, in the circumstances of the case, this Court

would leave it open for the petitioner to take recourse to appropriate remedy in accordance with law in relation to his legal grievance.

11. Before parting, another aspect of the matter, per force, calls for a few comments. In relief clause No. 7, the petitioner has questioned the

posting of respondent No. 5 to the Vigilance Division in the respondent Corporation. It is difficult to accede to the petitioner any right to suggest as to who should be posted in which department in the respondent Corporation. This nature relief, by itself, remains seriously questionable and

indicates something of personal grudge of the petitioner with a particular person. The writ jurisdiction of this Court could hardly be allowed to be

used for settling any such scores. However, this is not the end of the matter. Even if the petitioner had been sending repeated RTI applications and

representations to the respondent Corporation and its officers with unnecessary flair of language to underscore his points, the officers of

respondent Corporation were not expected to make any sarcastic comment in their response.

12. It is noticed from the document (Annexure - 20.2) that on 20.08.2016, the petitioner sent another e-mail stating his intention to move the Court

to which, a cryptic and strange reply was sent by respondent No. 5 stating ""Wish you all the best"". If this much had been the only reply to the e-

mail sent by the petitioner, this Court is impelled to observe that the authorities holding public office are expected to exercise more restraint while

discharging their duties and are not expected to respond in a manner which is suggestive of sarcasm. Having said so, in the totality of

circumstances, this Court would prefer leaving the matter at that only.

13. For what has been observed hereinbefore, this Court is not persuaded to entertain the present petition.

14. Therefore, this petition stands dismissed summarily with the observations foregoing.

