
(1997) 06 RAJ CK 0002
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2800 of 1997

Parakram Singh

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 19-06-1997

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1998) 2 RLW 936 : (1998) 1 WLC 752 : (1997) 1 WLN 333

Hon'ble Judges : Anshuman Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Anshuman Singh, J.—This petition under Article 226 of the Constitution of India has been filed in the nature of public interest litigation. The petitioner Parakram Singh is a Member of Legislative Assembly State of Rajasthan. It is alleged that he was elected from Baneda Assembly Constituency. District Bhilwara in the year 1993.

2. The facts giving rise to the present petition briefly are that the respondents No. 4 Shri Mitha Lal Mehta presently, is Chief Secretary of the State of Rajasthan, Government Secretariat, Jaipur and the respondent No. 5 Shri Ashok Jain presently, is Special Secretary, GAD. Government of Rajasthan, Jaipur. It has been averred that aircrafts are needed for carrying Chief Minister/Ministers/ Dignitaries and SPG Protectees and State owned aircrafts are used for this purpose. When, the State owned aircrafts are not available then privately owned aircrafts are used by the State, hiring from private owners. It has been further stated that when the State owned aircraft is not available for use of Chief Minister/Deputy Chief Minister then the aircrafts are hired from M/s. Rajputana Aviation Academy. It has been further stated that the aircrafts owned by M/s. Rajputana Aviation Academy are Single Engine Aircrafts. Mr. Bharat Vyas, learned Counsel for the petitioner urged that the Director General of Civil Aviation. New Delhi has issued a guideline dated 13.9.96 to the Chief Secretary State of

Rajasthan as well as other States regarding use of aircrafts owned by the State or owned by the private concern for being used for Chief Ministers/Deputy Chief Ministers/Dignitaries and SPG Protectees. Learned Counsel for the petitioner contended that according to the guideline contained in the aforesaid letter dated 13.9.96 only Multi Engine Aircrafts will be used. It has been further contended by the learned Counsel for the petitioner that from the news item published in daily newspaper known as Danik Jagran dated 3.4.97 the petitioner came to know about the fact that single engine aircrafts cannot be permitted to be used by Ministers because use of such aircrafts is hazardous and may prove risk to the life and limb of such persons. The cutting of said news item has been filed as Annexure-2 to the petition, in which it is stated that three ministers of the State of Rajasthan i.e. Agricultural Minister, Health Minister and Tourism Minister wanted to go Chittor to attend certain function but since the State owned aircraft was not available, they asked the Chief Secretary to hire some aircraft from private concern but, the Chief Secretary refused to hire aircraft from the private airways on the ground that single engine aircraft is not safe for travel. It has been further stated that on 15.1.97 and 16.1.97 the Deputy Chief Minister had traveled from Jaipur to Delhi by hiring private owned aircraft from M/s. Rajputana Aviation Academy. It has been urged that the petitioner was hurt to know about the fact that the Deputy Chief Minister was allowed to travel on a single engine aircraft hired from M/s. Rajputana Aviation Academy and, thereafter, the petitioner is alleged to have sent a notice to the competent authority for initiating enquiry into the matter, a copy of notice/representation dated 5.5.97 has been annexed as Annexure-3 to the petition. From the facts stated above, it is clear that Deputy Chief Minister was allowed to travel by a single engine aircraft from Jaipur to Delhi on 15.1.97 and 16.1.97 whereas, the alleged refusal by the Chief Secretary to hire private owned aircraft to provide three aforesaid ministers was made on 3.4.97. It is alleged that since no enquiry has been initiated against the Chief Secretary Government of Rajasthan, Jaipur and Special Secretary GAD, Jaipur, the petitioner has approached this Court by means of this public interest litigation. From the facts, it is abundantly clear that the petitioner is a member of Legislative Assembly of the State of Rajasthan. The relief sought by the petitioner in the instant case is that a direction should be issued to the respondent No. 6 to hold an enquiry against the respondents No. 4 and 5. It has been further prayed that the State of Rajasthan may also be directed to hold an enquiry in this matter and punish the respondents No. 4 and 5.

3. When, the petition came up for admission, I heard Mr. Bharat Vyas, learned Counsel for the petitioner at length. Since, Mr. B.P. Agrawal, learned Advocate General State of Rajasthan was present in Court, he was directed to seek instructions from the State. From the facts stated in the petition. it is abundantly clear that the petition does not relate to the public interest but it relates to the personal grievance of certain ministers against the Chief Secretary. The controversy/dispute appears to be such political in nature. The learned Advocate

General submitted that the directions issued by the Director General of Civil Aviation, New Delhi to the Chief Secretary on 13.9.96 is merely advisory in nature, a copy of which has been filed as Annexure-1 to the petition. He also submitted that when the State owned aircraft is not available then, the Chief Secretary has to hire air-craft from some private airways. He further contended that on many occasions the Chief Minister and Deputy Chief Minister in the absence of the State owned aircrafts have traveled on the private owned aircrafts and they are fully aware about the fact that the private aircraft hired by the State from M/s. Rajputana Aviation Academy is single engine aircraft. No material has been placed before the Court to prove that there are any other private airways in the State of Rajasthan who have got multi engine aircrafts and as such, the allegation that the respondents No. 4. intentionally hires single engine aircraft from M/s. Rajputana Aviation Academy is appears to be unfounded.

4. After hearing learned Counsel for the parties. I am of the opinion that this case does not require any interference by this Court and the petition has not been in my opinion, filed to espouse any cause of the public at large. It appears that because of some differences between the Ministers and Chief Secretary as has been urged by the learned Advocate General, this petition has been got filed by the petitioner ? against the respondents No. 4 and 5. The petitioner being a member of Legislative Assembly of the State of Rajasthan should agitate the matter before the Chief Minister or before the appropriate authorities of the State. It would also not be out of place to mention here that no such_ grievance has been raised by the aforesaid three ministers who are alleged to have been refused of privilege of providing an aircraft from the private agency. It is well known fact that if no State owned aircraft is available for use of Chief Minister or Deputy Chief Minister then, the aircraft has to be arranged on hire from private airways. If the Chief Minister/Deputy Chief Minister/Dignitaries and SPG Protectees themselves choose to travel on the private owned air-crafts, how the Chief Secretary can be held to be responsible. It is for the Chief Minister/Deputy Chief Minister and other Ministers themselves to decide not to travel on the single engine air-crafts. Moreover, if the respondents No. 4 and 5 have made any contravention of the rules or directions, the State Government itself is competent to ask for the explanation from the respondents No. 4 and 5. The petition appears to be ridiculous in as much as instead of agitating the matter before the Chief Minister or Deputy Chief Minister or before the State Authorities, the petitioner has approached this Court for invoking the extra-ordinary jurisdiction to decide the controversy between the Ministers and the Chief Secretary. The Chief Secretary is merely is an executive head of the State and the real power vests in the counsel of Ministers. I fail to understand that if the respondents have committed any breach of rules then, why the State Government cannot take action against the respondents No. 4 and 5.

5. After hearing learned Counsel for the parties and careful perusal of the material on record. I am of the opinion that the petition is wholly devoid of

merits and it deserves to be rejected.

6. In the result, the petition fails and it is accordingly dismissed in limine.