

Reserved

Court No. - 2

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 523 of 2022

Petitioner :- Ratnesh Kumar

Respondent :- State Of U.P. Thru. Prin. Secy. P.W.D. Civil Sectr. Lko. And Others

Counsel for Petitioner :- Asok Pande

Counsel for Respondent :- C.S.C.

Hon'ble Devendra Kumar Upadhyaya,J.

Hon'ble Shree Prakash Singh,J.

Heard learned counsel for the petitioner and learned State Counsel.

By means of these proceedings, ostensibly filed in public interest, a prayer has been made to issue a direction to the respondents to conduct an SIT enquiry regarding alleged corruption committed by two individual officers in the Public Works Department, namely, Sri V.K.Singh and Sri S.P. Saxena, who at the same point of time, were posted at District Unnao. In the prayer clause, it has been stated by the petitioner that “reports are that they have earned hundreds of crores by misuse of their position.”

Another prayer made in the writ petition is that a direction be issued to the respondents to refer the matter to the Central Bureau of Investigation (CBI) after conducting internal audit against the aforesaid individuals for alleged loot committed during their tenure in office.

When we examine the averments made in the writ petition, what we find is that the writ petition has been filed without any concrete or reliable evidence in respect of the assertions made by the petitioner. As a matter of fact, it has been vaguely averred by

the petitioner in the petition that the aforementioned two officers are guilty of alleged loot and corruption etc. These allegations in the petition have been made against the said individuals merely on the basis of some departmental correspondence made by the departmental officers, that too, way back in the year 2007-2008. We may also notice that the petitioner nowhere in the writ petition has disclosed his credentials which may enable this Court to entertain this Public Interest Litigation filed by him.

In compliance of the judgment rendered by Hon'ble Supreme Court in the case of **State of Uttranchal Vs. Balwant Singh Chauhal**, reported in (2010) 3 SCC 402, Rule (3-A) in Rule 1 of Chapter XXII was inserted in the Allahabad High Court Rules. The said Rule 1(3-A) of Chapter XXII of the Rules of the Court is extracted herein under :

“(3-A). In addition to satisfying the requirements of the other rules in this chapter, the petition seeking to file a Public Interest Litigation, should precisely and specifically state, in the affidavit to be sworn by him giving his credentials, the public cause he is seeking to espouse; that he has no personal or private interest in the matter; that there is no authoritative pronouncement by the Supreme Court or High Court on the question raised; and that the result of the litigation will not lead to any undue gain to himself or anyone associated with him, or any undue loss to any person, body of persons or the State.”

From the afore-quoted provision of Rule 1 (3-A), it is clear that a person seeking to file a Public Interest Litigation, should precisely and specifically state in the affidavit to be sworn by him giving his credentials. Rule 1(3-A) was added in the High Court Rules in order to address the concerns raised by the Hon'ble Supreme Court in the case of **Balwant Singh Chauhal (supra)**, wherein the Hon'ble Apex Court on one hand has laid emphasis that genuine Public Interest Litigation should be entertained by

the Courts where some grievance in relation to some disadvantageous section of the Society is raised or violation of basic human rights are brought to the notice of the court, however, in the same breath, Hon'ble Apex Court has also put a word of caution that frivolous vexatious petitions and petitions which seek to serve personal interest should not be entertained; rather such petition should be dismissed at the very threshold.

The Division Bench of this Court in the case of **Narendra Kumar Yadav Vs. State of U.P. and others, reported in [2020(11) ADJ 637 (LB)]** has elaborately dealt with the provision of Rule 1(3-A) of Chapter XXII of the Rules of the Court and has held that any person approaching the Court by filing Public Interest Litigation has to specifically establish his credentials.

If we examine the credentials of the petitioner as disclosed on the touchstone of the law laid down by the Hon'ble Supreme Court in the case of **Balwant Singh Chaufal (supra)** and Rule 1(3-A) of Chapter XXII of the Rules of the Court, what we find is that he has utterly failed to establish his credentials so as to persuade this Court to entertain this petition filed purportedly in Public Interest.

What all has been stated by the petitioner is that he is a "public spirited citizen" and is involved in "so many activities" for public good and want that the rule of law should prevail in governance. As to how the petitioner has described himself to be a public spirited citizen and as to in what particular activities has he been engaged for public good, has not been disclosed by the petitioner.

As observed above, requirement of Rule 1(3-A) is that a person filing Public Interest Litigation should specifically disclose his credentials.

Regarding credentials of the petitioner to institute these proceedings purportedly in Public Interest, we may also note that in relation to alleged irregularities said to have been committed by Sri V.K. Singh and Sri S.P.Singh, he has not apprised any departmental higher authority of the alleged corruption. Along with the petition certain representations said to have been made to Hon'ble Prime Minister and Hon'ble Chief Minister have been enclosed, however, none of the said representations were made or signed by the petitioner. One such representation is signed by Mohd. Faisal Kidwai and other such representation is signed by some Vibhau Shankar Tripathi. Along with the petition, an undated letter of some of the Member of Parliament, Mohanlalganj, Lucknow has been annexed, however, none of the representations, as observed above, have been made by the petitioner, that is to say, except for filing the instant petition the petitioner, for seeking probe into the alleged corruption, has not apprised the authorities and has straightaway filed the instant petition. The petitioner, thus, appears to be acting at the instance of someone else as he has not made any effort either to apprise the authorities of the alleged irregularities or even to collect necessary and credible information or evidence to establish even a semblance of any corrupt practice or irregularity.

While reciting the facts in the petition as well, the petitioner has only stated that Sri V.K.Singh and Sri S.P.Sexena were posted as Executive Engineer in the Public Works Department at Unnao and they were responsible for executing certain construction works relating to certain roads. The roads are said to have been constructed in the year 2006-7 and certain amount is said to have been spent in the same and as per averments made in the petition, Sri V.K.Singh, the then Executive Engineer had spent some more amount than the amount in respect of which technical

sanction was granted and they ought to have surrendered the rest of the amount.

The petitioner describes Annexure No.1, appended to the petition to be an Audit Report, dated 15.05.2008, whereas the document annexed as Annexure No.1 to the petition is not Audit Report. It is a letter written by the Superintending Engineer, Unnao to the Chief Engineer, Central Zone, Lucknow wherein information has been furnished that as against sanction of Rs. 755.97 lacs, the amount spent is Rs.755.87 lacs and that 10 works amounting to Rs.28.04 lacs were got executed without technical sanction which is violation of Financial Hand Book. The petitioner has, thus, relied upon certain other departmental correspondence made by the officers of the department, however, no other credible document or evidence has been enclosed in the petition so as to arrive at any conclusive or concrete finding about the alleged irregularities/corruption.

For the reasons aforesaid, we are not inclined to entertain this Public Interest Litigation petition, which is hereby **dismissed**.

Order Date :- 06.09.2022

Sanjay