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AJIT PRASAD GUPTA
v.
STATE OF U.P. AND ORS.

JULY 10, 1997

B

[DR. A.S. ANAND AND K.T. THOMAS, JJ.]

Constitution of India, 1950 : Article 32

C

Writ petition—Abuse of process of Court—Imposition of costs for—Termination of services of petitioner—Writ petition challenging the order—Dismissal of writ by High Court—Thereafter petitioner filed petition after petition questioning the termination order—Dismissal of SLP by Supreme Court—Writ filed thereafter—Practice of filing petition after petition condemned—Held no litigant has right to unlimited drought on Court time—Finality of judicial proceedings must be accepted at some state—Writ petition dismissed with costs.

D

CIVIL ORIGINAL JURISDICTION : Writ Petition (C) No.....(D. 21228/96).

E

Under Article 32 of the Constitution of India.

Debasis Misra for the Petitioner. (NP)

The following Order of the Court was delivered :

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This case has been called even after the list is revised, but nobody appears.

G

A perusal of the writ petition shows that filing of this petition is a total abuse of the process of this Court. The petitioner, whose services were terminated on 5.1.1972, questioned the order of termination through writ petition No. 9484/74, which was dismissed by the High Court on 23.8.1974. He allowed that order to acquire finality and later on filed a representation against termination of his services to the State which was also dismissed on 16.9.1975. Undeterred, he once again questioned the order of termination by filing a petition before the U.P. Public Service Tribunal. That petition came to be dismissed on 4.4.1979. The petitioner filed yet another writ petition No. 4536/79, for the same cause which was dismissed by the High

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Court on 16.8.1979. A review petition against that order was dismissed on 16.1.1980 and an application under Article 133 of the Constitution for a certificate of fitness seeking leave to appeal to the Supreme Court was dismissed by the High Court on 26.3.1980. The petitioner filed special leave petition No. 536/81 which came to be dismissed by this Court on 13.2.1981. The petitioner has now filed yet another writ petition putting the same termination order in issue. We take a serious view of the matter and condemn this practice of filing petition after petition. No litigant has a right to unlimited drought on court time and public money in order to get the affair settled in the manner he wishes. Finality of judicial proceedings must be accepted at some stage. We cannot allow the process of the court to be abused in the manner it has been done by the petitioner in this case. We dismiss this writ petition with Rs. 5,000 as costs. The costs shall be deposited with the Registry, within eight weeks, in the account of Supreme Court Legal Services Authority.

T.N.A

Petition dismissed.