

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP (C) No.71/2019

Date of Order: 21.03.2023

Gaya Prasad

Vs.

Union of India & ors

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner : In-person

For the Respondents : Dr. N. Mozika, DSGI with
Ms. A. Pradhan, Adv

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

This is the third of the utterly frivolous writ petitions filed by the same person that is being dealt with today.

2. In this petition, the same order of December 20, 2016 that was passed by the Central Administrative Tribunal, Calcutta Bench and was challenged in CA No.70 of 2019 has been assailed afresh. It may do well to notice that the earliest of the three petitions was equally baseless by which the petitioner had challenged an order passed by the CAT granting substantial relief to the petitioner.

3. The same reasons as indicated in the order passed earlier today in WP (C) No. 70 of 2019 would apply in the present case.

4. The grievance of the writ petitioner is that two sets of petitions, OA No. 399 and OA No. 672, both of the year 2012, having been carried by the writ petitioner to the CAT were illegally dealt with in a single order despite no rules of the Tribunal providing for the clubbing of two petitions. The contention of the writ petitioner is baseless and there is no doubt that this petition has been filed with ulterior motive and collateral purpose in a mischievous attempt to stall the disciplinary proceedings that had been initiated against the petitioner by his employer.

5. In the first disciplinary proceedings, pertaining to WP (C) No.69 of 2019, the petitioner herein has steadfastly resisted in indicating his source of funds for acquiring a vehicle and has duly suffered an appropriate punishment.

6. In the subsequent disciplinary proceedings, unconnected with the first, the petitioner was required to show cause for his unexplained absence from his post. Upon an inquiry officer being appointed by the disciplinary authority, the writ petitioner filed OA No.399 of 2012 before the CAT, seeking a change in the personnel of the inquiry officer. In OA No.672 of 2012, the writ petitioner questioned the propriety of a notice or order of October 11, 2011 served on him by the employer. There is no dispute that

such notice of October 11, 2011 was issued in connection with the same disciplinary proceedings of absence without justification.

7. Both OA No.399 of 2012 and OA No.672 of 2012 were taken up for consideration by the CAT on the same day and disposed of by a common order of December 20, 2016. Since the only object of the writ petitioner was to stall the disciplinary proceedings against him and delay the inevitable, the clubbing of the two matters by the Tribunal did not suit the petitioner as his multiple attempts at stalling the proceedings appeared to have come to naught.

8. There is no basis to the petitioner's challenge to the order dated December 20, 2016, particularly inasmuch as the CAT is vested with the authority to club matters together if it considers it expedient to pass a common order. At any rate, both OA No.399 of 2012 and OA No.672 of 2012 emanated from the same disciplinary proceedings and pertained to the same employee. As such, there was no difficulty or impropriety in clubbing the two matters and disposing of the same.

9. It is a matter of shame that courts are disturbed with frivolous petitions as the present one. These petitions stood dismissed for default during the Covid times. When the petitioner appeared recently to seek restoration of the three petitions, an order was passed for the asking since courts are loath to dismiss petitions without going into the merits thereof. In the present case, it is evident that there is nothing of virtue in this petition

and that this is a part of an exercise indulged in mischievously by the petitioner to harass the employer and try to stall the proceedings instituted against him.

10. WP (C) No.71 of 2019 is dismissed with costs assessed at Rs.10,000/-.

11. The costs awarded will be payable to the employer within a month and, in default, the employer will be entitled to deduct such amount from any salary or other payment that may be due to the writ petitioner.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
21.03.2023
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