

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 309 of 2014**

1. State of Chhattisgarh, Through - Secretary, Department of Water Resources, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, PS Mandir Hasaud, Raipur, Dist Raipur, CG
2. The Chief Engineer Mahanadi Godawari Basin, Water Resources Department, Raipur, Dist Raipur, CG
3. The Executive Engineer Electrical/ Mechanical Light Vehicle, Tube Well & Gate Division, Water Resources Department, Durg, Dist Durg, CG

---- Appellants**Versus**

Lakhanlal, S/o Mohan Lal Jha, Aged About 64 Years, R/o Village Arjuni, Tah. Dongargaon, Distt Rajnandgaon, CG

---- Respondent

For Appellants/State	:	Mr. Prafull N. Bharat, Addl. Advocate General .
For Respondent	:	Mr. Anup Majumdar, Advocate

**Hon'ble Shri Navin Sinha, Chief Justice &
Hon'ble Shri Justice Inder Singh Uboweja**

Order on Board**04/12/2015****Per Navin Sinha, C.J.**

1. The present appeal arises from order dated 05.04.2010 in W.P.(S) No.727/2010. The learned Single Judge issued directions to the appellants for verification of facts and then decide the claim for pension.
2. Aggrieved by the order, the appellants had earlier preferred Writ Appeal No.248/2010, which was withdrawn on 21.09.2010 to prefer a review application on the submission that certain facts could not be brought to the attention of the learned Single Judge. Review petition No. 113/2013 filed thereafter was dismissed as not maintainable on 27.06.2014. The present writ appeal has been filed again thereafter.
3. We have heard learned counsel for the parties and are satisfied that the present appeal is not maintainable.

4. Aggrieved by the order of the learned Single Judge, the appellants preferred an appeal and then acknowledged that materials had not been presented before the learned Single Judge. The appeal was withdrawn to file a review petition. The review petition was dismissed as not maintainable. The present appeal has then been filed thereafter. If materials were not brought to the attention of the learned Single Judge, they cannot be urged to challenge an order on grounds not urged before the Court to assail the validity of the order. There is no change in circumstances from the withdrawal of the earlier appeal except the institution of an incompetent review application.

5. No litigant can be vexed twice on the same issue and especially when the justification for repeat litigations is the mistake of the appellants themselves. Litigation cannot be allowed to become an unending affair.

6. We therefore hold that the present appeal is not maintainable and is accordingly dismissed.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(I.S.Uboweja)
Judge