

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1613 of 2009**

1. Nagar Nigam Samast Karmchari Sangh, Bilaspur through Acting President, Dharamlal Yadav S/o Pyare Lal Yadav, aged about 49 years, Lecturer Lal Bahadur Shashtri Higher Secondary School, Bilaspur Tehsil & Distt. Bilaspur (CG).

---- **Petitioner****Versus**

1. State of Chhattisgarh Through the Secretary, Department of Urban Administration and Development, Mantralaya, DKS Bhawan, Raipur, CG.
2. Municipal Corporation, Bilaspur through Commissioner, Bilaspur (CG).
3. Smt. Usha Gupta W/o Narendra Gupta, aged about 45 years, Lecturer R/o Rajkishore Nagar, Chandan Awas Bilaspur, CG.

---- **Respondents**

For Petitioner	Shri Vimal Tondey, Advocate, under instructions of Shri Ajay Shrivastava, Advocate.
For Respondent/State	Shri Adhiraj Surana, Deputy Govt. Advocate.
For Respondent No.2	Ms. Pushpa Dwivedi, Advocate.

Hon'ble Shri Justice P. Sam Koshy
Order On Board

09/10/2015

1. The present writ petition has been filed seeking quashing of order dated 03.07.2007 passed by the Respondent No.1 regularizing the services of Respondent No.3 on the post of Upper Division Teacher. In addition, relief has also been sought for termination of services of Respondent No.3.
2. The Respondent No.2 have come out with reply and has categorically brought to the notice of this court that earlier similar relief had already been sought by the Petitioner in Writ Petition No.1549 of 2004 which was dismissed by the Single Bench of this court on 08.08.2008 against which Writ Appeal No.251 of 2008 was filed which also got dismissed on 17.11.2008.

3. A plain reading of entire petition would show that the Petitioner in the present petition has not said anything about filing and dismissal of writ petition and writ appeal preferred by them for the same relief which is being claimed in this petition and has suppressed these material facts. The said act on the part of Petitioner is highly contemptuous and deprecated. The petitioner being a union or representative capacity it was duty bound to ensure that it approaches the court with clean hand and that the entire facts of the case is brought to the notice of the court. The pleading, however, do not disclose any thing in this regard.
4. The present writ petition deserves to be dismissed with exemplary cost but taking into consideration the overall facts and circumstances of the case and also keeping in view the fact that the writ petition was pending consideration before this court for six years this court orders for dismissal of the case without any cost.
5. The writ petition is accordingly dismissed.

Sd/-
(P.Sam Koshy)
JUDGE