

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19185 of 2015

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Sheopujan Singh @ Dr. S. P. Singh, aged about 78 years, Son of Late Rameshwar Singh R/o Chitrakut Nagar Road No.3, P.O.- Digha, District Patna- 800012.

.... Petitioner/s

Versus

1. The Union of India, Ministry of HRD (Department of Education) Shashtri Bhawan, New Delhi- 110001, Service through Commissioner Kendriya Vidyalaya Sangathan 18 Institutional Area, Shaheed Jeet Singh Marg, New Delhi- 110016.
2. Commissioner Kendriya Vidyalaya Sangathan (KVS) 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi- 110016.
3. Dy. Commissioner (as was designated as Asstt. Commissioner) Kendriya Vidyalaya Sangathan (KVS) Patna Region, P.O.- Lohia Nagar, Kankarbagh, Patna- 800020.
4. State of Bihar through Secretary (Department of Secondary Education) Patna 800001.
5. Head Master, Umairabad High School, P.O.- Baidrabad, District- Arwal (Bihar).
6. Central Administrative Tribunal Patna Bench, Patna 88/A Shri Krishna Nagar, Patna- 800001 through Registrar CAT, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sheopujan Singh @ Dr. S. P. Singh
(In person)

For Respondents Nos.1 to 3 : Mr. Kumar Rakesh
Mr. G K Agrawal

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 21-04-2016

The order dated 03.11.2015 passed by the Central Administrative Tribunal, Patna Bench, Patna, (hereinafter referred to as 'the Tribunal') is the subject matter of challenge in the present writ petition.

The petitioner was working as teacher in Umairabad High School, District Arwal (Bihar), where he worked from 25.09.1961 to

15.07.1973. He claimed that the post on which he was working was a pensionable one. Subsequently, the petitioner joined on deputation in Kendriya Vidyalaya Sangathan, from where he retired on 31.01.1997 after attaining the age of superannuation.

The petitioner filed Original Application No. 228 of 2005 claiming pension for the period he had worked in Umairabad High School. The said application was declined by the Tribunal on 18th July, 2008 by passing a speaking order running into 24 pages. Aggrieved against the said order, the petitioner filed writ petition before this Court which was dismissed on 22nd September, 2008. The petitioner subsequently filed review petition before this Court which was dismissed on 14th May, 2009.

Aggrieved against the said decisions of the Tribunal and this Court, the petitioner filed Special Leave Petition before the Hon'ble Supreme Court. The Civil Appeal was dismissed on 11th March, 2015. The review application filed by the petitioner before the Hon'ble Supreme Court was dismissed on 23rd July, 2015. It is, thereafter, the petitioner filed review application before the Tribunal for review of the order dated 18th July, 2008, which has been affirmed by this Court in writ petition and the Hon'ble Supreme Court with dismissal of the Civil Appeal. The petitioner has sought review of the order on the on the following issues:-

“(1) Whether as a custodian of case records, C.A.T. is not accountable for forgery and fraud played upon by detachment of vital Annexures from paper book which vitiates the order dated 18.08.2008 in O.A.No. 228/2005?

(2) Whether proven procedural latches, jurisdictional Impropriety illegalities, forgery and fraud are not enough to make order dated 18.07.2008 void which was required to be recalled by C.A.T.?

“(3) Whether in the present case, inspite of jurisdictional impropriety, forgery and fraud can limitation show its head? If not, should it be allowed to perpetuate by justifying fraudulently obtained order dated 18.07.2008 in name of frivolous technicalities of limitation which is unsustainable, *ultra vires* and *ab initio* void?”

The argument of the petitioner is that certain documents which were part of the Original Application were detached when the file was sent to the Member of the Tribunal who was then Member of the Tribunal at Ahmedabad. Therefore, the order passed by the Tribunal is actuated by fraud and thus cannot be sustained.

We find that the petitioner who is a senior citizen is taking advantage of his seniority in age in misusing the process of the Court. He has tried up to the Supreme Court but again filed a review application before the Tribunal on wholly untenable ground. All pleas which were available to the petitioner should have been raised before this Court. He cannot be permitted to raise an argument which was available to him when the matter was taken up for hearing by this Court earlier. By filing frivolous review before the Tribunal and then writ petition before this Court the petitioner has wasted public time.

Therefore, we dismiss the present writ petition with costs which are assessed at Rs.5000/- (five thousand) which should be deposited with the Bihar State Legal Services Authority within one month from today.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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