

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No.18 of 2016**

Shekh Karim, son of (Late) Shekh Akhtar, aged about 44 years,
Occupation Business R/o Road No.1, Kasaaridih, Police Station City
Kotwali, Police Station – Padmnabhpur, Tahsil Durg, District Durg,
Chhattisgarh

---- Petitioner**versus**

1. State of Chhattisgarh, through Chief Secretary, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Principal Secretary, Department of Forest and Environment, Mantralaya, Naya Raipur, Raipur, District Raipur, Chhattisgarh
3. Principal Chief Conservator of Forest (PCCF), Government of Chhattisgarh, Aranya Bhawan, Medical College Road, Raipur, District Raipur, Chhattisgarh
4. Dharendra Sharma, IFS (Retired), Ex-Chief Conservator of Forest (Finance/Budget) Department of Forest, C/o PCCF Office, Aranya Bhawan, Medical College Road, Raipur, District Raipur, Chhattisgarh
5. Dr. Jitendra Upadhyay, IFS (Retired) Ex-Chief Conservator of Forest (Finance/Budget) Department of Forest, PCCF Office, Aranya Bhawan, Medical College Road, Raipur, District Raipur, Chhattisgarh
6. Rakesh Chaturvedi, IFS, the then Chief Conservator of Forest, PCCF Office, Aranya Bhawan, Medical College Road, Raipur, District Raipur, Chhattisgarh
7. V. Shrinivas Rao, IFS, then Divisional Forest Office, Dhamtari, District Dhamtari Chhattisgarh presently posted as Chief Conservator of Forest, CCF Office, Durg, District Durg, Chhattisgarh
8. H.K. Pandey, IFS, then Divisional Forest Officer, Udanti Forest Division, District Raipur, Chhattisgarh presently posted as Divisional Forest Officer, Jagdalpur, District Jagdalpur, Chhattisgarh
9. S.D. Badgainya, IFS, then Divisional Forest Officer, Mahasamund Forest Division, Mahasamund District Mahasamund Chhattisgarh presently posted as Divisional Forest Officer, Balodabazar, District Balodabazar, Chhattisgarh
10. R.K. Pandit, the then Range Forest Officer, in-charge of flying Squad, C/o PCCF Office, Aranya Bhawan, Medical College Road, Raipur, District Raipur, Chhattisgarh
11. B.P. Tiwari, the then Forest Guard (Retired), Flying Squad, Raipur Forest Circle, C/o PCCF Office, Aranya Bhawan, Medical College Road, Raipur, District Raipur, Chhattisgarh
12. Director, the State Economic Offences Wing, Telibandha, Mahasamund Road, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	: Shri Mahendra Dubey, Advocate
For State/Respondents No.1 to 3 & 12	: Shri A.S. Kachhawaha, Additional Advocate General

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per Deepak Gupta, Chief Justice

22/6/2016

1. We are not inclined to entertain this writ petition solely on the ground that it is hopelessly barred by the principle of delay and laches.

2. The Petitioner's allegation is that a lot of corruption took place during the period 2003-2005 in the Forest Department and which is widely known as the "Saw Mills Inspection Scam". It is not disputed that initially complaint was made by the Petitioner on 3.1.2005. Thereafter, a writ petition was filed in this Court being Writ Petition (PIL) No.8 of 2007 and this writ petition was disposed of in the following terms:

"Petitioner has prayed for initiation of the enquiry against the alleged guilty officers of the Forest Department. From the perusal of Annexure R-2 issued by opposite party No.2, it is crystal clear that the departmental proceedings have already been initiated and the charge-sheet along with the relevant documents and list of witnesses has also been supplied to the delinquent officers.

In the light of above, the writ petition has become infructuous and it is dismissed as such."

3. Thereafter, the only order passed by this court is that departmental enquiry would be conducted in the matter. It appears that when this order was passed in that Court, Counsel for the Petitioner in that case did not even make a request for some enquiry to be conducted by police authorities. It appears that another petition being Writ Petition No.1151 of 2005 had already been filed with regard to this very alleged scam, wherein a request for enquiry into this scam by some authorities was made. That writ petition was disposed of on 16.1.2008 in following terms:

"The petitioner had approached the Lokayukt way-back in the year 2005 with the allegation that certain Government Officials in the forest department are

involved in corruption. According to the petitioner, more than three years have been passed, but the matter is still lingering in the Lokayukt. If it is so, interest of justice would suffice if the matter is expedited by the Lokayukt, preferably within a period of six months from the date of receipt of a copy of this order.

With this observation and with the consent of learned counsel for the parties, the writ petition is disposed of.”

4. The only direction given in this writ petition was that the Lokayukt may decide the matter within six months from the date of receipt of a copy of the order. The present Petitioner was not a party to the case. There have been two earlier writ petitions one filed in 2005 and the other in 2007, in which, this Court had refused to entertain the matter. This judgment was not challenged before the Apex Court. Now, by the third petition, the earlier judgment cannot be set aside. Judicial discipline requires that even if the Petitioner was dissatisfied with the orders of this Court, we cannot now, after eight years, nullify those orders by interfering in this petition which has been filed in 2016. The Petitioner has no explanation why he was silent for about eleven years. The only explanation offered by the Petitioner is that after the departmental enquiry was initiated, it was found that crores of rupees had been embezzled and only junior officers were found guilty for the embezzlement. No senior officer was held guilty in the enquiry proceeding. The enquiry proceeding was thereafter dropped. In view of the judgments delivered in earlier petitions, we cannot interfere in this matter at this belated stage.

5. The writ petition is, therefore, dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE