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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3992 of 2016**

Rajaram Ghritlahre S/o Late Shri Bisahuram Ghritlahre, Aged about 35 years, Occupation Service, R/o LIG – II/11, Bardia Vihar, Amlidih, Raipur, Police Station, New Rajendra Nagar, Raipur, Chhattisgarh.

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

1. State of Chhattisgarh Through the Secretary, Transport Department, Mantralaya, Mahanadi Bhavan, Naya Raipur, District Raipur, Chhattisgarh.
2. Commissioner (Transport) Department of Transport, Indrawati Bhawan, C-Block, Third Floor, Naya Raipur, Chhattisgarh.
3. Additional Transport Commissioner, Department of Transport, Indrawati Bhawan, C-Block Third Floor, Naya Raipur, Chhattisgarh.
4. Regional Transport Officer, Jashpur, Chhattisgarh.

---- **Respondents**

For Petitioner	: Shri Mateen Siddique, Advocate.
For Respondent/State	: Shri Y.S.Thakur, Deputy Advocate General.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board**Per Deepak Gupta, Chief Justice****23/08/2016**

1. Earlier also, the Petitioner has challenged the constitutional validity of the Chhattisgarh Transport Department Subordinate, Class III (Executive) Service Recruitment and Conditions of Services Rules, 2008 (hereinafter called 'the Rules') and the said petition was disposed of by this Court on 29.07.2015 by the following order:

“1. This is the third writ petition by the Petitioner.

2. After some argument, leave is sought to withdraw the writ petition for pursuing remedies under Rule 21 of the Chhattisgarh Transport Department Sub-Ordinate, Class III (Executive) Service Recruitment and Conditions

of Service Rules, 2008.3. We make no observations with regard to the same.

3. 4. The writ petition is dismissed.”

2. It is obvious from the aforesaid order that after arguing for sometime, the Court found no merit in the challenge to the constitutional validity of the Rules because the issue of constitutional validity could not have been raised by pursuing the remedy under Rule 21 of the Rules.

3. This fresh petition is virtually an abuse of process of the Court because now also one of the relief claimed is that the Rules are constitutionally invalid. We may also make it clear that the first petition was withdrawn by the Petitioner but the Court made no observation with regard to the prayer for filing fresh petition, and did not give any direction that the alternative remedy pursued by the Petitioner be decided in a particular time. We cannot order something which was not ordered in the first petition.

4. Therefore, we find no merit in this petition. It is accordingly dismissed.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE

Sd/-

(Sanjay K. Agrawal)
JUDGE