

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2460 of 2017

IN

Civil Review No. 105 of 2017

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Baldeo Prasad Gupta, son of Late Shambhu Prasad Gupta/Lal, resident of village post office and police station at Karmatar, District Jamtara (Jharkhand) formerly working as J M Grade I officer in Bank of India, presently staying at EBC Road, Patna -800001

.... Petitioner- in-person

Versus

1. Bank of India Through Its Chairman Cum Managing Director And The Executive Director Cum Review Authority and the General Manager cum Appellate Authority and all concerns, at Head Office, Star House, Bandra Kurla Complex, Bandra (East) Mumbai -400051 (Maharashtra)
2. Zonal Manager cum Disciplinary Authority and all concerns, Bank of India, Zonal Office, 1st Floor, Chanakya Place, Birchand Patel Marg, Patna -800001 (Bihar)
3. Branch Manager, Bank of India, Dehri On Sone, Giridih, Sndri and Patna (Main Branches and all concerns, Bank of India at & PO Dehri On Sone, District Rohtas (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Baldeo Prasad Gupta (In Person)

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 15-09-2017

The petitioner appears in person.

The petitioner has filed this application making various allegations and wants that certain orders passed in Civil Review No.105 of 2017 and various other cases should be recalled and his case reconsidered.

We find that the petitioner is indulged in repeated acts of misuse of the process of law which amounts to contempt of court.



Petitioner was dismissed from service of the Bank and the said dismissal was challenged by him in CWJC No. 7062 of 1994. This writ petition was dismissed on 28.07.1995. Thereafter, LPA filed was dismissed by a Division Bench on 22.09.1995 and SLP filed by the petitioner was also dismissed by the Hon'ble Supreme Court. That being so, the entire dispute with regard to the action taken against the petitioner by the Bank attained finality after dismissal of the SLP by the Supreme Court. Thereafter the petitioner started to file a series of miscellaneous applications and again appeals on one ground or the other and, finally, taking note of all the circumstances, MJC NO. 1861 of 2016 was dismissed by this Court on 02.09.2016. While dismissing the same the following observations were made by this Court:-

“12. Considering the conduct of the petitioner, we are constrained to impose a cost of Rs.20,000/- (Rupees Twenty thousand) to be paid by him, in the account of Patna high Court Legal Services Committee, within a period of two months from today. If he fails to deposit the amount aforementioned, in the account of Patna High Court Legal Services Committee, within the stipulated period of two months, the Court will consider initiating contempt proceeding against him.”

The petitioner did not deposit the amount of Rs.20,000/-



and, therefore, contempt proceeding was initiated against him. The petitioner appeared before this bench on 02.05.2017. After taking note of the totality of the circumstances and the imposition of cost of Rs.20,000/- the application was disposed of in the following manner:-

“Today, we have heard the petitioner who appears in person at length and we find that he is a senior citizen, an aged person and has lost his mental balance and, therefore, unaware of what he is doing, he seems to be repeatedly filing applications after applications which under law are not maintainable. Taking note of the totality of the facts and circumstances we find no reason to take cognizance of both these applications. However, we find that the petitioner may not be in a position even to deposit the cost of Rs.20,000/- imposed by this Court on 2.9.2016 and, therefore, we deem it appropriate to withdraw the order of imposing cost, as directed on 2.9.2016 in MJC No. 1861 of 2016 and after warning the petitioner not to misuse the process of law or to file any frivolous petition or application again in this Court. We dismiss both these applications, withdraw the order imposing the cost of Rs.20,000/- and caution the petitioner not to file any application or petition again with regard to his dismissal from the Bank which has been settled after orders were passed in his writ petition on 28.7.1995.”



Instead of aforesaid indulgence made cautioning the petitioner and withdrawing the imposition of cost the petitioner is again before this Court by this application and also reiterates the entire story right from the year 1981 and tries to argue that he has been harassed, has not been dealt with properly and again wants this Court to seek indulgence into the matter and wants to reopen the entire issue with regard to the action taken against him by the Bank.

The petitioner is a senior citizen and taking note of the totality of the circumstances, we dismiss the application and do not take any action against the petitioner but direct the Registry that henceforth no application filed by the petitioner with regard to the issue in question should be entertained or registered in this Court.

With the aforesaid, this application stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18/09/2017
Transmission Date	N.A.

