

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 539 of 2017

- Abdul Sattar S/o Late Abdul Kadar, Aged About 72 Years Occupation Retired Forester, R/o Rounak Palace, Bairan Bazar, District Raipur Chhattisgarh., Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Forest Department, Mantralay, New Raipur, District Raipur , Chhattisgarh
2. The Principal Chief Conservator Of Forest, Aranya Bhawan, Jail Road, District Raipur Chhattisgarh.
3. Divisional Forest Officer, Mahasamund Forest Division, District Mahasamund Chhattisgarh.
4. Under Secretary, Forest Department, Vallabh Bhawan, Government Of MP, Bhopal, District : Bhopal Madhya Pradesh
5. Additional Chief Conservator Of Forest Administration And Gazetted, Satpura Bhawan, Government Of Madhya Pradesh Bhopal, District : Bhopal, Madhya Pradesh

---- Respondents

For Petitioner	:	Shri Azad Siddique, Advocate
For Respondents	:	Shri UNS Deo, Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, CJ
Hon'ble Shri Parth Prateem Sahu,J

Order on Board

Per Ajay Kumar Tripathi, CJ

09/10/2018

1. This appeal has been preferred against the order dated 11.10.2017 whereby learned Single Judge has dismissed the writ petition refusing to give any direction for further promotion on the post of Assistant Conservator of Forest on the basis of an indulgence shown by the learned Single Judge in yet another writ application moved by the appellant which

was WPS No.6980/2010 decided on 13.8.2015.

2. At that point of time, the appellant approached the Court that when promotion was granted to others on the post of Forester in the year 1991, he was overlooked. That promotion accrued to him in the year 1996. He retired in the year 2004 and filed a writ application which was entertained and a limited direction was issued after considering the entirety of the dispute and factual position. Those conclusions have been extracted by the learned Single Judge in the order impugned dated 11.10.2017. From a reading of the said order not only the writ application was fit to be dismissed for delay and laches but also from the principle of constructive *res judicata*.
3. What was granted or given to the appellant in the previous round of litigation cannot be allowed to be adjudicated in a new writ application. If he had a grievance against the limited relief which was granted to him in the previous round of litigation, he should have assailed that order before a higher forum. Having not done so, he cannot be permitted to raise issues in instalments according to his convenience. Judgment of learned Single Judge does not require interference.
4. Writ appeal is accordingly dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-