

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 150 of 2019**

- M.M. Sonwani S/o Shri C. L. Sonwani Aged About 72 Years (Approx), Ex Stenographer in the District Court at Durg, R/o Sikola Basti, Near Pankaj General Store, Durg, Chhattisgarh.

---- Appellant**Versus**

1. The Registrar High Court of Chhattisgarh at Bilaspur, Chhattisgarh.
2. District Judge District Court Durg, Chhattisgarh.

---- Respondents

For Appellant	:	Shri K. R. Loniya, Advocate
For Respondents No.1	:	Shri Ashish Shrivastava, Advocate
For Respondent/State	:	Shri Faiz Kazi, Panel Lawyer

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Smt. Vimla Singh Kapoor, Judge****Judgment on Board****Per, Ajay Kumar Tripathi, Chief Justice****01.03.2019**

1. Heard learned counsel for the Appellant and learned counsel for the Respondents.
2. Writ application was filed by the appellant for quashing the order of dismissal dated 14.10.1996. Petitioner/Appellant was working as a Stenographer in the District Court of Durg. On certain charges of serious misconduct, he was subjected to departmental enquiry which culminated into finding of guilt leading to punishment of dismissal. He assailed the said order by moving the High Court in a writ application. The writ application was dismissed on 08.04.2013. It was labeled as Writ Petition No.470 of 1998.

3. Effort made by the Appellant to assail the order of the learned Single Judge also failed before the Division Bench in Writ Appeal No.307 of 2013. Since writ appeal stood dismissed on 24.09.2013, the order of Division Bench was assailed before the Hon'ble Supreme Court in an SLP No.20270 of 2015. The Hon'ble Apex Court also did not find any merit and the SLP stood dismissed on 23.11.2015. This is the story with regard to the departmental proceeding. However, it seems that even a criminal case was instituted against him under Section 353, 294, 332 of the IPC, the trial Court gave him benefit of doubt and acquitted him on 28.09.2004. He filed a fresh application only in the year 2019 on the ground that since he has been acquitted by the trial Court, therefore, this vindicates his position and he should be exonerated even in the departmental proceeding and reinstated, if not, the benefits of service should be extended to him.
4. The argument made before the learned Single Judge was repelled by him for the reason that it was not a case where the fate of the Appellant was dependent upon the criminal trial. He was separately proceeded against in a departmental proceeding for the set of charges which were found to be serious enough for imposition of punishment of dismissal. That order was tested not only before the High Court, but even the Apex Court and since no interference was made with the decision even by the highest Court of the land, the order of dismissal cannot be now re-opened or looked into by the fact that way back on 28.09.2004, he was given the benefit of doubt by the criminal Court.
5. In addition to that the Court also fails to understand that why it took 15 years for him to decide to pray for the relief since he had earned a reprieve from the criminal Court, which any way was a frivolous attempt or exercise.

6. There is no infirmity with the order passed by the learned Single Judge. No interference is needed or required keeping in mind the past judicial orders which have been passed in the applications moved by the Petitioner before various Courts.
7. Appeal has no merit. It is dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Vimla Singh Kapoor)
Judge