

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

MONDAY, THE NINETEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY

PRESENT

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY**

**I.A.NO.20F 2019
IN
WA NO: 268 OF 2003**

Between:

Mr. D. John Samuel, S/o. David, 78, Kalyan Garden, Sainikpuri, Secunderabad.
...PETITIONER/PARTY IN PERSON

AND

1. Chairman cum Managing Director, NTPC, SCOPE Complex, New Delhi – 3
2. Senior Personnel Officer, NTPC RP Road, Secunderabad – 3
3. Senior Personnel Officer, N.T.P.C. Kayamkulam.
4. Executive Director, NTPC Kawadiguda, Secunderabad – 80
(Sl.Nos.1,2,3 are not necessary parties)

...RESPONDENT

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court in the interest of FAIR JUSTICE and violation of CDA Rules 20, 21, 25, Service Rule 24.7, SC ruling "NO AUTOMATIC DISMISSAL WITHOUT ENQUIRY" for direction to Respondent only for "LEGAL REMOVAL WITH ENQUIRY" as per CDA Rule 20(4), 21, 25, OR granting A-Z monetary relief of Rs.35.45 crore as on 03-10-2019 with 12% interest till settlement as per Respondent option and AGM cadre by revoking W.A.No.268/2003 order and NTPC removal order dt. 07-08-2000, due to NTPC confession of its false statement as "TYPOGRAPHICAL MISTAKE" and negotiation with GM/HR to consider my petition dt. 30-01-2019, 19-02-2019, 06-03-2019 for job offer to my dependents with Rs.3 lakhs litigation cost for 20 years

This petition coming on for hearing, upon perusing the petition and the Memorandum of grounds filed in support thereof, and upon hearing the arguments of Sri D. John Samuel, Party in Person, the Court made the following:

ORDER

"The instant application is filed seeking the following relief:

"The petitioner myself humbly pray the Hon'ble High Court in the interest of FAIR JUSTICE and violation of CDA Rules 20, 21, 25, Service Rule 24.7, SC ruling "NO AUTOMATIC REMOVAL WITHOUT ENQUIRY" for direction to Respondent only for "LEGAL REMOVAL WITH ENQUIRY" as per CDA Rule 20(4), 21, 25, OR granting A-2 monetary relief of Rs.35.45 crore as on 03-10-2019 with 12% interest till settlement as per Respondent option and AGM cadre by revoking W.A.No.268/2003 order and NTPC removal order dt. 07-08-2000, due to NTPC confession of its false statement as "TYPOGRAPHICAL MISTAKE" and negotiation with GM/HR to consider my petition dt. 30-01-2019, 19-02-2019, 06-03-2019 for job offer to my dependants with Rs.3 lakhs litigation cost for 20

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years and pass such order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

At the outset, the instant application is not maintainable for the simple reason WA.No.268 of 2003 was dismissed by order dated 12.04.2005. Further, review application in WAMP.No.2821 of 2005 for reviewing the order dated 12.04.2005 was also dismissed by order dated 20.08.2005. The party-in-person filed WAMP.No.3096 of 2005, seeking restoration of the review application, which was also dismissed by order dated 07.10.2005.

It is rather surprising as to how the present application was entertained by the Registry. In fact, similar applications, though prayer sought for is worded differently, in WAMP(SR).No.91484 of 2014 (subsequently numbered as WAMP.No.2864 of 2014); WAMP(SR).No.19373 of 2014; WAMP(SR).No.65409 of 2015; WAMP(SR).No.75146 of 2016 and IA.No.1 of 2019 were all dismissed by different orders. The latest of the orders in IA.No.1 of 2019 is extracted hereunder:

"This application has been filed by the petitioner-in-person seeking the following relief from this Court:

"to direct the respondent to comply/obey HC order WAMP 2864/14 in WA 268/03 in granting relief of Rs. 27.16 Cr as on 03-10-2018 as per AGM (New Cadre) and job offer to my dependents by considering my petition to ED/SR dated 30-01-2019, 19-02-2019 and 06-03-2019 with cost of Rs. 3 lakh for 20 years litigation, by negotiation with GM/HR or mediation in HCLSC OR AFRESH HEARING before single judge by granting 75% interim relief and pass such other order or orders as may deem fit and proper in the circumstance of case."

The brief facts of the case are, the petitioner-in-person was dismissed from service by order dated 07-08-2000. Aggrieved by the same, he filed a writ petition, namely W.P.No.21519 of 2000, before this Court. However, by order dated 17-12-2002, a learned Single Judge of this Court had dismissed the said writ petition. Consequently, the petitioner-in-person had filed an appeal, namely W.A. No. 268 of 2003 before a learned Coordinate Bench of this Court. However, by order dated 12-04-2005, even the writ appeal was dismissed by the learned Coordinate Bench. Since the petitioner-in-person was aggrieved by dismissal of the writ appeal, he filed a review petition, namely W.A.M.P. No. 2821 of 2005. But, by order dated 20-08-2005, the review petition was also dismissed by the learned Coordinate Bench. Thereafter, the petitioner-in-

person filed a miscellaneous petition, namely WAMP. No. 3096 of 2005, for restoration of the review petition. However, by order dated 07-10-2005, even the said miscellaneous petition was dismissed by the learned Coordinate Bench. Subsequently, the petitioner-in-person filed WAMP. (SR) No. 91484 of 2014 (subsequently, registered as WAMP.No. 2864 of 2014). On 05-09-2014, the learned Coordinate Bench passed the following order as under:

"We heard the party-in-person as well as the learned counsel for the respondents in detail.

Quite a large number of orders have been passed over the period. The root cause for the fate of the litigation is the order of dismissal passed against the petitioner on the ground that he abandoned service. The only question that he has canvassed was that no enquiry was conducted before the order of removal was passed.

Though the writ petition was dismissed by the learned Single Judge without taking that aspect into account, a Division Bench of this Court in the writ appeal dealt with the matter in detail. The appellant contends that the judgment in the writ appeal was based upon some facts, which are not borne out by record. Even as regards that, review petition came to be dismissed.

May be on account of frustration or depression, the petitioner is keeping on filing the applications, despite a semblance of warning that was given at one point of time.

Just on humanitarian grounds, we permit the petitioner to make a representation to the respondent for necessary relief without using any aggressive and abusive language. The respondents shall pass appropriate orders thereon, within six (6) weeks from today, duly taking into account the service rendered by the petitioner and the factum of enquiry not having been held before he came to be dismissed.

Post after six (6) weeks.

We request Sri A.K. Jayaprakash Rao, learned counsel, to extend help to the petitioner. He has readily agreed to draft the representation."

In pursuance of the said order, the petitioner-in-person submitted a representation. Considering his representation and considering the directions issued by this Court in the order dated 05-09-2014, the respondents offered the petitioner-in-person an alternate job. However, the petitioner-in-person refused to accept the said job.

WAMP. No. 2864 of 2014 came up before the same learned Division Bench on 14-11-2014. The learned Division Bench passed the following order:

"In response to the direction issued by us, NTPC offered placement for the petitioner/appellant in a joint venture company floated by them, obviously because he has crossed the age of superannuation long back. However, the petitioner is not inclined to accept that offer.

We find it difficult to grant any other reliefs since the Writ Appeal filed by him was dismissed long back. Even the review applications were rejected.

We, therefore, direct the matter to be treated as closed."

Even thereafter, the petitioner-in-person filed another miscellaneous petition, namely WAMP (Sr) No. 193973 of 2014. However, the same was dismissed by the learned Division Bench by order dated 13-04-2015. Even thereafter, the petitioner-in-person filed another miscellaneous petition, namely WAMP (Sr) No. 65409 of 2015. Even the said miscellaneous petition was dismissed by this Court by a learned Division Bench by its order dated 19-01-2016. Notwithstanding the continuous dismissal of his applications, the petitioner-in-person again filed WAMP (Sr) No.75146 of 2016 wherein he pleaded that the order dated 05-09-2014, in W.A.M.P.No. 2864 of 2014 has not been complied with by the respondents. He had also contended before the learned Division Bench that his dismissal from service was an illegal one. However, by order dated 02-01-2017, the learned Division Bench had clearly observed that, the petitioner cannot reopen what was already settled by the judgment of the Single Judge in the writ petition and confirmed by the learned Division Bench in the writ appeal. Moreover, since the prayer was made to implement the order dated 05-09-2014, since the same has already been implemented, the office objection with regard to the maintainability of the petition was upheld by the learned Division Bench.

Having lost his case at every stage, the petitioner-in-person has now filed IA.No.1 of 2019 for the aforementioned relief.

Heard the petitioner-in-person.

The petitioner-in-person has again tried to resurrect the issue that his dismissal from service was an illegal one. Moreover, he has sought the relief that the order dated 05-09-2014, passed by the learned Coordinate Bench of this Court in WAMP. No. 2864 of 2014 should be complied with.

As observed by the learned Division Bench, in its order dated 02-01-2017, the issue whether the termination of the petitioner-in-person from service was a legal one or an illegal one, was also settled by the learned Single Judge in the order dated 17-12-2002, in W.P.No.21519 of 2000. The said order has been confirmed by the learned Division Bench of this Court in judgment dated 12-04-2005. Since the judgment passed by the learned Division Bench was never challenged, both the said order and the judgment have reached finality. Thus, the petitioner-in-person is highly misplaced in trying to resurrect a dead issue.

Furthermore, the order dated 05-09-2014, passed by the learned Coordinate Bench of is Court in WAMP.No.2864 of 2014, directing the respondents to consider the representation filed by the petitioner-in-person, has also been

complied with. Despite the fact that the respondents have offered an alternate job to the petitioner-in-person, he has refused to accept the same. Therefore, the relief prayed by the petitioner-in-person is highly misplaced. Thus, the IA is, hereby, dismissed.

The aforesaid IA was dismissed as the relief prayed for is highly misplaced. In spite of the same, the present application is filed. Since WA.No.263 of 2008 is dismissed and review petition is also dismissed, the subsequent applications were not maintainable. However, on humanitarian grounds several Coordinate Benches of this Court have entertained the applications and heard the party-in-person.

This Court with a sense of responsibility points out that once the Court has become functus officio, after review petition has been dismissed, the subsequent applications ought not to have been entertained.

Be that as it may, the leniency shown by the Court would sometimes have drastic consequences and would lead to wastage of precious time of this Court. It is high time to give a quietus to this unhealthy practice of entertaining applications once the Court has become functus officio.

The petition is dismissed as not maintainable. The Registry is directed not to entertain any further applications henceforth filed by the party-in-person either in this appeal or in the writ petition or pending case or new case in connection with his grievance in WP.No.21519 of 2000.

Thus, the IA is, hereby, dismissed.

Sd/- K. SRINIVASA RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Registrar (Judicial), High Court for the State of Telangana at Hyderabad
2. The Deputy Registrar (New Filing Section), High Court for the State of Telangana at Hyderabad.
3. The Section Officer, New Filing Section(Writ Wing), High Court for the State of Telangana at Hyderabad.
4. One CC to Sri D. John Samuel, Party in Person(OPUC)
5. Two CD Copies

MBC



HIGH COURT

HCJ
&
BVR,J

DATED: 19/10/2020



ORDER

I.A.NO.2 OF 2019
IN
WA NO: 268 OF 2003

DISMISSING THE I.A.

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RECEIVED
10/12/11/2020.