

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.24000 of 2022 (O&M)

Date of Decision.18.10.2022

Jagjit Singh

...Petitioner

Vs

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Jagjit Singh, petitioner in person.

-.-

JAISHREE THAKUR J. (ORAL)

The instant writ petition has been filed with a prayer for issuance of a writ in the nature of mandamus or any other writ, order or direction to reinstate the petitioner with all consequential benefits including back wages and promotions, with further prayer to pay compensation of Rs.2 crores as the petitioner was terminated illegally by incompetent authority in violation of Article 14, 16, 21 and 311 (1) (2) of the Constitution of India.

The writ petition has been filed seeking to challenge order dated 27.01.1975 as issued by the Superintendent of Police, Karnal.

The petitioner, appearing in person would argue that the order of discharge passed by the SP, Karnal is stigmatic in nature and he was not the competent authority to either offer the appointment or remove the petitioner from service. The case as set up by the petitioner is that since the petitioner was illegally removed from service, he is entitled to compensation of Rs.2 crores for his illegal termination.

Before advertng to the contentions raised by the petitioner, it would be apt to give a brief chequered history as set out in the writ petition.

The father of the petitioner died in harness and on account of meritorious service rendered by the father of the petitioner, Inspector General of Police, Haryana gave special sanction to the SP, Karnal to appoint the petitioner as Constable by relaxing the conditions on 02.03.1973, however, he was discharged from service vide order dated 27.01.1975 passed by SP, Karnal. This order of dismissal from service was challenged by the petitioner before the Civil Court, Karnal by filing Civil Suit No.568 of 1976, which was dismissed on 31.01.1978. In appeal preferred against judgment dated 31.01.1978, the Additional District Judge, Karnal vide judgment dated 15.01.1979 set aside the judgment passed by the Senior Subordinate Judge, Karnal and remanded the matter back to re-decide the same in accordance with law. The matter was reconsidered by the trial court and vide judgment dated 25.07.1980, the suit of the petitioner was dismissed. Appeal preferred against the judgment dated 25.07.1980 was also dismissed by the Additional District Judge, Karnal vide judgment dated 15.05.1981. Thereafter, the petitioner preferred a regular second appeal and also Writ Petition (Civil) No.27358 of 2004 before the Hon'ble Supreme Court of India, which was dismissed vide order dated 03.10.2005, as the petitioner was not able to produce on record the status of the regular second appeal filed before this Court or any judgment passed therein. Review petition filed in the said writ petition also stood dismissed vide order dated 24.01.2006. The petitioner did not rest here and again filed a writ petition before this Court i.e. CWP No.3046 of 2006 challenging his order of discharge and the said writ petition was also dismissed vide order dated 28.02.006 as not maintainable, taking into account the fact that the petitioner had already availed of his remedies and had lost upto this Court in regular second appeal and

therefore, the only remedy available with the petitioner was to move to the Hon'ble Supreme Court. Against the said order, Special Leave to Appeal (Civil) No.7574 of 2006 was preferred, which again stood dismissed.

Dissatisfied and disgruntled, the petitioner again preferred Civil Writ Petition Nos.12296 and 12310 of 2007, which were sought to be dismissed as withdrawn with a view to move an application in the regular second appeal. This order was passed by the Division Bench on 04.12.2007. An application was filed in regular second appeal by the petitioner asking for reconstruction of the file that had been burnt, which was dismissed as no sufficient cause could be shown by the applicant for condoning long delay of 11 years in filing the said application. Against the said orders, SLP Nos.1406-1407 of 2009 were preferred, which also stood dismissed.

Thereafter, the petitioner sought various information under the RTI Act as to how many persons were appointed as Constables under 'dying in harness rule' and how many police officers died between January, 1972 to March, 1973 while performing their duty. The petitioner then approached this Court again by filing CWP No.24225 of 2011 but this Court, taking note of the fact of various petitions filed by the petitioner herein, dismissed the same vide order dated 22.12.2011. Against the said order, LPA No.1515 of 2012 was filed and the same also stood dismissed vide order dated 21.11.2012. Against the order passed in LPA No.1515 of 2012, SLP No.1393 of 2014 was filed, which was again dismissed. The petitioner has addressed several letters to various authorities seeking his reinstatement and ultimately, approached this Court by way of present petition for redressal of his grievance that he has been illegally discharged from service.

I have heard the petitioner at length and have perused the pleadings which are totally incomprehensible. It appears that the petitioner herein is a chronic litigant and has nothing else to do than filing one petition after another, each one of which has been dismissed. In fact, the Coordinate Bench while dismissing CWP No.24225 of 2011 had opined as under:-

“The Court could have burdened the petitioner with exemplary cost for repeatedly filing petitions before this Court, despite the fact that his challenge to his dismissal has been negated right upto the Supreme Court, but it is restraining his hand only, considering the plight of the petitioner and his inability to understand and reconcile to his own situation where he has been bereft of his job. The Court also notices that the grievance raised before this Court as also the pleadings and the expressions adopted are totally incoherent which has led the aforesaid impression by this Court and as a result of which the Court is simply dismissing the instant petition.”

Despite aforesaid observations having been made, the petitioner has not been able to restrain himself from filing fresh petition. The petitioner had challenged his order of discharge as passed in the year 1975 in civil suit which has attained finality up till the Supreme Court. He has made several attempts possible to challenge the said order in various proceedings by approaching this Court time and again in writ petition or LPA and then challenging the said order of dismissal before the Supreme Court where he remained unsuccessful. Even today, petitioner lays stress on the fact that he has wrongly been discharged from service and that the

order so passed is stigmatic in nature. This Court has no hesitation in dismissing the petition since the matter already stands well settled by virtue of the orders passed by the Civil Court, this Court as well as the Hon'ble Supreme Court.

Consequently, the instant petition stands dismissed with a direction to the Registry to not accept any fresh petition as filed by the present petitioner pertaining to the same cause of action.

(JAISHREE THAKUR)
JUDGE

October 18, 2022

Pankaj*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No