

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7970 of 2023

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Sheopujan Singh @ Dr. S.P. Singh, Son of Late Rameshwar Singh, Resident of Chitrakut Nagar, Road No. 3, District- Patna-800012.

... .. Petitioner/s

Versus

1. Union of India, Ministry of HRD, (Department of Education), Shastri Bhawan, New Delhi- 110001, Notice through Commissioner, Kendriya Vidyalaya Sangathan, 18 Institutional Area, Shaheed Jeet Singh Marg. New Delhi - 110016.
2. Commissioner, Kendriya Vidyalaya Sangathan (HRD), 18 Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016.
3. Deputy Commissioner, Kendriya Vidyalaya Sangathan (KVS), Regional Office, Kankarbagh, P.O. Lohia Nagar, Patna- 800020.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sheopujan Singh @ Dr. S.P. Singh(In person)
		Mr. Rana Ishwar Chandra, Advocate
For the Respondent/s	:	Mr. Kumar Ravish, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 10-10-2023

In the instant writ petition, the petitioner is challenging the order dated 30.05.2022 passed in O.A./050/00128/2022 by the Central Administrative Tribunal (CAT), Patna Bench, Patna whereby and whereunder the aforesaid O.A. has been dismissed in *limine*.

2. The petitioner has questioned the communication dated 09.12.2021 (Annexure A-1) to the original application. Annexure A-1 reads as under:-



सं.11044/29-5-3/2017(12757)/पीपीएस/विविध-केविसं(स्था-1)/2151

दिनांक : 09.12.2021

स्पीड पोस्ट

डॉ. एस.पी. सिंह,

प्राचार्य (से.नि.)

चित्रकूट नगर,

रोड संख्या-3

पटना 800012

विषय:- अर्नातिम (provisional) वेतन के आधार पर अर्नातिम पेंशन निर्धारण को नियमित करते हुये बकाया राशि का भुगतान करने के संबंध में।

महोदय,

उपरोक्त विषय में आयुक्त, केन्द्रीय विद्यालय संगठन को संबोधित आपके पत्र दिनांक 26.10.2021 के संदर्भ में कहना है कि आपकी अधिवार्षिता पर सेवानिवृत्ति दिनांक 31.01.1997 को हुई। आपके खिलाफ सतर्कता मामला लंबित होने के कारण आपको अर्नातिम पेंशन का निर्धारण किया गया। सतर्कता अनुभाग के आदेश दिनांक 01.08.2001 के द्वारा अध्यक्ष, केन्द्रीय विद्यालय संगठन द्वारा आपके खिलाफ मामले को बंद कर दिया गया। इस कार्यालय के आदेश संख्या 6- 20/88-KVS (Estt.11) दिनांक 20.12.2000 के द्वारा आपका दिनांक 01.01.1996 को 10000-325-15200 के वेतनमान में 10975/- रुपये निर्धारित कर दिया गया था।

संबन्धित केन्द्रीय विद्यालयों, पेंशन अनुभाग एवं क्षेत्रीय कार्यालय से प्राप्त अभिलेख के बाद आपके मामले का पुनः अवलोकन किया गया एवं वित्त खंड से राय लेने पर पाया गया कि आपके वेतन एवं पेंशन का भुगतान सही पाया गया है।

छठे एवं सातवें वेतन आयोग के अनुसार आपकी पेंशन भी वेतन निर्धारित की जा चुकी है जो कि अंतिम (final) एवं नियमानुसार है। आपकी अर्नातिम पेंशन (provisional pension) को नियमित (regularize) किया जा चुका है। अतः संगठन द्वारा आपके सभी देयों का भुगतान किया जा चुका है एवं आपको वर्तमान में मिल रही पेंशन अंतिम एवं नियमानुसार है। आपकी सेवा पुस्तिका



उपलब्ध न होने के कारण उसकी प्रति आपको नहीं दी जा सकती है।

भवदीय,
(अनुराग भटनागर)
सहायक आयुक्त (स्थापना-1)''

3. Grievance of the petitioner is to count his service from 25.09.1961 to 15.07.1973. It has chequered history as is evident from the records. Petitioner seems to be a court bird as he is unnecessarily knocking the doors of the judicial forums despite the fact that he has already lost his case insofar as counting of the aforementioned service towards fixation of pension is concerned. The official respondents unnecessarily entertained the petitioner's grievance and proceeded to pass cryptic order which has been quoted supra. The authority should have highlighted the earlier litigations filed by the petitioner from time to time. It is necessary to take note of various documents filed on behalf of the Respondent No.3, namely, Kendriya Vidyalaya Sangathan (counter affidavit to the present petition). The first litigation seems to be O.A. No. 228 of 2005 decided on 18.07.2008 by the C.A.T. Feeling aggrieved by the order of the C.A.T., petitioner has approached this Court by way of filing CWJC No. 13791 of 2008 and it was decided against him on 22.09.2008. It is necessary to quote the last paragraph of the



order dated 22.09.2008 which reads as under:-

“Services rendered in Government institution or autonomous body receiving grants in aid of more than 50 percent, are only fit to be counted for pension. The Tribunal on appraisal of materials came to the conclusion that the school in which petitioner worked was not a Government institution nor autonomous body receiving aid of more than 50%. Accordingly it held that service rendered by the petitioner is not fit to be counted.

We do not find any error in the same.

The petition stands dismissed.”

4. Thereafter, the petitioner invoked the remedy of filing Special Leave to Appeal (Civil) which is numbered as (Civil CC) 4393 of 2009 which was decided on 13.04.2009 and it reproduced hereunder:-

“Upon hearing counsel the Court made the following

ORDER

Learned counsel for the petitioner seeks leave to withdraw the petition stating that he proposes to file an application for review of the impugned judgment before the High Court.

Accordingly the special leave petition as not pressed.”

5. Consequently, the petitioner has filed Civil Review No. 126 of 2009 before this Court and the same was decided on 14.05.2009 against the petitioner. Feeling aggrieved and dissatisfied with the order of this Court, petitioner has filed Civil Appeal No. 9316-9317 of 2010 before the Hon’ble Supreme Court and it was decided against the petitioner on



11.03.2015. Hon'ble Supreme Court has passed a detailed order dated 11.03.2015 passed in Civil Appeal No. 9316-9317 of 2010 which reads as under:-

“Upon hearing the counsel the Court made the following

O R D E R

The Appeals are dismissed in terms of the Signed Order with no order as to costs.

We have heard the matter at great length. Briefly stated the facts are that the Appellant was working in the Umairabad High School from 25.09.1961 to 15.07.1973. Thereafter he joined the services of Respondent No. 2 i.e. Kendriya Vidyalaya Sangathan on 16.07.1973 as a Post Graduate Teacher. He was subsequently selected as Principal in one of the Institutions run by the Kendriya Vidyalaya Sangathan and ultimately superannuated from service on 31.01.1997. It is not in dispute that the Appellant is receiving retiral benefits from the Kendriya Vidyalaya Sangathan. However, the grievance of Appellant is that the services rendered by him from 25.09.1961 to 15.07.2013 in Umairabad High School should be counted not only for seniority purposes but also for computing his retiral benefits. So far as this argument is concerned, the Patna Bench of the Central Administrative Tribunal by a detailed Order, passed on 18.07.2008 in O.A. No. 228 of 2005, has found against the Appellant on the grounds that the Umairabad High School was not receiving Grants from the Government but was only receiving deficit funding. In other words, the Umairabad High School was responsible for raising all its funds, but in the interest of education if there was a shortfall therein the State would make its contributions. We find no error in that finding as has also been the conclusion arrived at by the Division Bench in the Impugned Order.

Furthermore, it has been disclosed that the Appellant had approached this Court by way of Special Leave Petition which came to be dismissed on 13.04.2009. The Memorandum of Proceeding on that day records that the Petitioner had sought to withdraw the Petition stating that he proposed to file an Application for Review. On 13.04.2009, leave had not been obtained to approach



this Court once again by way of Special Leave Petition in the event that the Appellant remained unsuccessful in the Review Petition. In “Vinod Kapoor vs. State of Goa” (2012) 12 SCC 378, this Court has held that a fresh Special Leave Petition would not be maintainable unless leave to approach the Court once again had been specifically taken at the time of disposal of the previous Special Leave Petition. The

jurisdiction in the present Petition would be restricted to whether dismissal of the Review Petition was right or wrong i.e. whether the Impugned Order which is now sought to be challenged once again was subject to an error apparent on the fact of the record. This is not a situation which prevails before us, therefore the Appeals are dismissed. However, we desist from making any order as to costs.

The Appeals are dismissed with no order as to costs.”

6. In absence of any liberty given by the Hon’ble Apex Court, petitioner filed CWJC No. 19185 of 2015 in which also he has suffered order on 21.04.2016. In fact, writ petition was dismissed with cost of Rs. 5,000/- and the cost was required to be deposited to the Bihar State Legal Services Authority within one month from the order dated 21.04.2016. It is necessary to reproduce relevant paragraph of order dated 21.04.2016. It reads as under:-

“We find that the petitioner who is a senior citizen is taking advantage of his seniority in age in misusing the process of the Court. He has tried up to the Supreme Court but again filed a review application before the Tribunal on wholly untenable ground. All pleas which were available to the petitioner should have been raised before this Court. He cannot be permitted to raise an argument which was available to him when



the matter was taken up for hearing by this Court earlier. By filing frivolous review before the Tribunal and then writ petition before this Court the petitioner has wasted public time.

Therefore, we dismiss the present writ petition with costs which are assessed at Rs.5000/- (five thousand) which should be deposited with the Bihar State Legal Services Authority within one month from today.”

7. Further, Civil Review No. 250 of 2016 was filed by the petitioner before this Court in which he had sought for leave to prefer appeal against the order passed in review petition which was declined in terms of Article 134-A of the Constitution of India. As a result, petitioner preferred Special Leave to Appeal Nos. 2153-2154 of 2017 which was decided on 08.05.2017. Relevant portion of the order dated 08.05.2017 reads as under:-

“Heard.

Delay condoned.

We do not see any ground to interfere with the impugned order. The special leave petitions are accordingly dismissed.

Pending applications, if any, shall also stand disposed of.”

8. In the light of these facts and circumstances, the petitioner is unnecessarily knocking the doors of the judicial forums. Accordingly, the present petition stands dismissed with cost of Rs. 1,000/- (one thousand). Cost shall be paid to the



Patna High Court Legal Service Committee.

9. Having regard to the factual aspects of the matter, we are directing Kendriya Vidyalaya Sangathan and Central Administrative Tribunal, Patna Bench, Patna not to entertain the petitioner’s grievance including any representation or original application in this matter in absence of any directions of the Hon’ble Apex Court, since the grievance of the petitioner has attained finality before the Apex Court. Accordingly, the same shall be taken note of by the respective authorities.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Balmukund/-
Himanshu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.10.2023
Transmission Date	NA

