
(2014) 01 PAT CK 0124
In the Patna High Court
Case No : CWJC No. 7070 of 2013

Baldeo Prasad Gupta

APPELLANT

Vs

Bank of India and Others

RESPONDENT

Date of Decision : 15-01-2014

Acts Referred:

Citation : (2015) 1 PLJR 723

Hon'ble Judges : Ravi Ranjan, J

Bench : Single Bench

Advocate : Rupak Kumar, Advocates for the Respondent

Judgement

Dr. Ravi Ranjan, J.—I have heard the petitioner, who has appeared in person, as well as the respondent Bank. After about twenty years from the date on which the petitioner was awarded penalty of dismissal from service amounting disqualification from future employment vide order dated 11.12.1993, appended as Annexure-C to the counter affidavit filed on behalf of the Bank, the petitioner has filed this writ application for direction to the authorities of Bank of India to pay full retiral benefits from the date of retirement and all co-related benefits for the service rendered for 23 years and also for remaining 13 years which he could have served if he would not have been dismissed from service. He seeks payment of all dues and arrears and seized deposits along with the compound interest @ 18% per annum. He also seeks quashing of the illegal order of punishment which was inflicted upon him by the authorities.

2. This is not the first time that the petitioner has approached this Court rather from the records, specially the order dated 19.1.2011 passed in M.J.C. No. 2292 of 2010 (Annexure-B to the counter affidavit), it appears that he is habitual in approaching this Court by filing writ petitions and cases for initiation of contempt etc. recurrently for the similar cause of action.

3. It appears that the petitioner had approached this Court by filing C.W.J.C. No. 7062 of 1994 against the order of his dismissal from service as an officer of the

respondent Bank of India which was dismissed on merits by a Bench of this Court vide order dated 28.7.1995. Against that, the petitioner preferred L.P.A. No. 1563 of 1995 which was also dismissed on 22.9.1995. The petitioner, thereafter, approached the Hon"ble Supreme Court also but there also he lost his case. He again filed second writ application bearing C.W.J.C. No. 132 of 1999 against the same cause of action for which he had approached on earlier occasion. That was also dismissed on 23.2.1999. However, it appears that an observation was given to dispose of the appeal which was pending before the respondent as per the claim of the petitioner. Thereafter, the petitioner filed M.J.C. No. 1084 of 1999 for modification of the aforesaid order dated 23.2.1999 passed in C.W.J.C. No. 132 of 1999. The stand of the respondent Bank in that case was that, since no appeal was pending, there would be no question of disposal of the appeal. In the aforementioned facts and circumstances, the aforesaid M.J.C. No. 1084 of 1999 was also dismissed as no appeal was pending before the authorities. Then again the petitioner filed M.J.C. No. 1395 of 1999 for initiating a proceeding of contempt against the opposite parties for alleged violation of the aforesaid order dated 23.2.1999 passed in C.W.J.C. No. 132 of 1999. The said petition was also dismissed vide order dated 12.3.1999 against which the petitioner again preferred L.P.A. No. 1066 of 1999 which was also dismissed by a Division Bench of this Court as not maintainable. Thereafter, the petitioner filed Civil Review No. 29 of 2000 for review of order dated 23.2.1999 passed in C.W.J.C. No. 132 of 1999 stating that the appeal filed by him on 13.10.1998 was not being disposed of by the authorities because it has not been numbered. The Civil Review was disposed of with a direction to the respondents to dispose of the said appeal filed by the petitioner, if the same was pending.

4. The respondent Bank authorities filed M.J.C. No. 1292 of 2000 for modification of the aforesaid order dated 8.3.2000 passed in Civil Review No. 29 of 2000 clearly stating that no appeal was pending. The said modification petition was dismissed on 17.5.2000 for the reason that the appeal was to be decided only if it was in existence.

5. The petitioner again filed M.J.C. No. 1814 of 2000 for initiation of proceeding of contempt for non-compliance of the order dated 8.3.2000 and also filed M.J.C. No. 804 of 2001. Both applications were dismissed. While dismissing the M.J.C. No. 1814 of 2000, a Bench of this Court observed that repeated filing of cases by the petitioner for the selfsame relief cannot be appreciated. Then again the petitioner filed third writ petition bearing C.W.J.C. No. 4087 of 2001 which was dismissed on 20.4.2001 by a Bench of this Court after observing that filing of successive writ petitions cannot be appreciated. The petitioner filed L.P.A. No. 455 of 2001 against the aforesaid order dated 20.4.2001, which was also dismissed by a Division Bench of this Court taking a serious note of the conduct of the petitioner-appellant in agitating same matter again and again which has been finally concluded by this Court holding that it amounts to gross abuse of the process of the court.

6. The Single Bench of this Court, taking a note of the aforesaid cases while passing the order dated 19.1.2011 in M.J.C. No. 2292 of 2010 as contained in Annexure-B to the counter affidavit, has opined that the petitioner did not pay any heed to the repeated orders of various Benches of this Court including a Division Bench and after 13 years filed Civil Review No. 257 of 2008 for modification of the order dated 28.7.1995 passed in his first writ application bearing C.W.J.C. No. 7062 of 1994. The aforesaid review petition was also dismissed. Thus, the Single Bench while noticing above mentioned facts and observing that the petitioner is harping similar matter again and again, had dismissed the M.J.C. No. 2292 of 2010 vide the order as contained in Annexure-B to the counter affidavit, recording observation that the act of the petitioner by filing frivolous petitions before this Court in one shape or the other was fit to be deprecated and normally in such matter heavy cost could have been levied upon the petitioner but considering the fact that the petitioner is appearing in person, no cost was imposed.

7. Thereafter, again the present writ petition has been filed by the petitioner.

8. It has been submitted on behalf of the petitioner that his dismissal was wrong and, therefore, in view of the fact that he had rendered his service for 23 years, that period and the period of 13 years, during which he had been deprived from serving the Bank, by dismissing him from service, should be considered for payment for his retiral and other benefits.

9. The aforesaid relief sought by the petitioner, in my opinion, is nothing but re-agitating the similar matter again after 20 years of his dismissal and dismissal of his earlier applications as mentioned above and also after a final decision to that effect having been taken by the Hon"ble Apex Court by dismissing the case of the petitioner. Thus, such relief cannot be granted to him. Further relief sought by the petitioner, for calculating the seized amount in different accounts which have become inoperative, is also not sustainable as the charge against the petitioner was that such amount was fictitiously entered by the petitioner showing credit entries to the tune of Rs. 17,54,130.62/- in the accounts jointly held by him with his wife, son and close relatives. Those entries were rectified by Bank and those were subject matters of the earlier writ petitions which have already been dismissed. Now such relief cannot be granted to the petitioner after re-opening the case after about 20 years of his dismissal from service. The respondent Bank authorities have stated in the supplementary counter affidavit that out of 5 accounts, 4 accounts have been closed and only one account No. 14830 is now functional.

10. In above view of the matter, at best the respondent Bank can be directed to provide him details of statement of the aforesaid account. Accordingly, this writ application is dismissed as being repeated attempt of the petitioner to agitate the similar matter which had been concluded on merit by this Court on several occasions and also by the Apex Court. Though this case was fit to be dismissed with heavy cost but since the petitioner, who has appeared in person, had been

dismissed from service 20 years ago, no cost is being imposed upon him but he should be very careful in future before making such repeated attempts.