

(1991) 01 SC CK 0039

In the Supreme Court Of India

Case No : Special Leave Petition (Civil) No. 12371 of 1990

S.P. Sawhney

APPELLANT

Vs

Life Insurance Corpn. of India

RESPONDENT

Date of Decision : 29-01-1991

Acts Referred:

Constitution of India, 1950 — Article 136, 226, 227
Delhi Shops and Establishments Act, 1954 — Section 21

Citation : AIR 1991 SC 661 : (1991) 5 JT 122 : (1991) LabIC 648 : (1991) 1 SCALE 90 : (1991) 2 SCC 318 : (1991) 1 UJ 478 : (1991) 1 UPLBEC 306

Hon'ble Judges : P. B. Sawant, J;K. N. Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. On the 18th January, 1991, when the matter reached hearing, the petitioner appeared in person and stated that he had nothing to add to what he had placed on record in writing. The counsel for the respondent likewise stated that the reply of the Corporation is contained in its counter. Both the parties desired that we should decide the matter on the basis of the written submissions. We adjourned the matter to this date for orders.

2. This petition is nothing but an abuse of the process of the court. The petitioner has adopted multiple proceedings so far, for claiming the same reliefs allegedly arising out of the same cause of action. When he was Working as a Development Officer in the respondent-Corporation on January 23, 1961, he was chargesheeted for gross misconduct and indiscipline. On May 15, 1961, he was issued a show-cause notice and on August 28, 1961, he was issued a formal chargesheet and suspended from service. On August 27, 1962, he was dismissed from service after holding an inquiry.

3. The petitioner filed a writ petition bearing No. 461-D of 1963 in the High Court, challenging his dismissal. The petition was dismissed by the High Court on May 29, 1963.

4. Thereafter he filed a suit in forma pauperis on August 23, 1963 for a declaration that his suspension was illegal, that the inquiry held against him was illegal and that his dismissal from service was also wrongful and claimed that he should be declared to have been continued in service and for a further relief of damages amounting to Rs. 15,960/-. The petitioner was allowed to contest the suit in forma pauperis and the suit came to be numbered as 538 of 1963.

5. Not content with it, on September 10, 1965, he filed an additional suit being suit No. 411 of 1965 for the same reliefs and, in the alternative, for grant of retirement benefits etc. amounting to Rs. 22,725/-. Both suits were tried together and dismissed, save and except to the extent of granting to the petitioner a decree of Rs. 934.70 which the respondent-Corporation had admitted as being the amount due to the petitioner as his provident fund. Against the decrees in both the suits, the petitioner filed two appeals before the High Court which were numbered as RFA 483-484 of 1969. The learned single Judge dismissed both the appeals on May 25, 1979. Against the said decision, the petitioner preferred two Letters Patent Appeals being LPA Nos. 240-241 of 1979 which were dismissed by the Division Bench of the High Court, on April 16, 1980. The SLP preferred by the Petitioner against the decision of the Division Bench of the High Court was dismissed by this Court on December 7, 1981. The review petitions against the said decisions were also dismissed by this Court on March 2, 1982.

6. It appears that simultaneously the petitioner had started proceedings under the Delhi Shops and Establishments Act, 1954 (hereinafter referred to as the "Act". On September 19, 1963, he filed an application u/s 21 of the Act for a declaration that the order of suspension, the inquiry proceedings and the order of dismissal were illegal and that he was entitled to continue to be in service and to salary and other emoluments' and in alternative, he was entitled to a sum of Rs. 1,75,824/-. On February 5, 1964, the Authority under the Act dismissed his application. Against the said decision, the petitioner preferred a writ petition in the High Court being civil Miscellaneous No. 88O-D of 1964 under Article 227 of the Constitution. The learned single Judge dismissed the same on September 1, 1969.

7. The petitioner thereafter started yet another round of litigation by filing a writ petition before the High Court in 1984, this time under Article 226 of the Constitution being CWP No. 2520 of 1984 challenging the same orders of suspension and dismissal passed by the respondent-Corporation and claimed the same reliefs. The Writ petition was dismissed by the Division Bench on May 1, 1989 at the admission Stage. It is against this decision that the present petition is filed in this Court.

8. It appears that the claim in the present petition was also referred to the Lok Adalat held by the Delhi High Court on 14th March, 1986, but the matter could not be settled, because the petitioner insisted that the officers of respondent-Corporation should be prosecuted and that an order for payment of Rs. 1,42,200/- should be passed in his favour etc.

9. It further appears that during the pendency of the Writ Petition No. 2520 of 1984 of the Delhi High Court, the petitioner submitted a representation before the Regional Labour Commissioner (Central)" Delhi, asking for the same reliefs. This representation was also dismissed and the proceedings were closed after getting report from the respondent-Corporation.

10. The narration of the above facts are sufficient to indicate the nature of the claim of the petitioner in the present petition. We have taken pains to narrate aforesaid facts to point out the extent to which the petitioner has abused the process of the Court. In the circumstances, we not only dismiss the petition but also direct the Registry not to entertain any further application/petition from the petitioner arising out of the same cause of action and for the same reliefs.

11. The respondent-Corporation has made a grievance with regard to certain statements made by the petitioner in his petition and has pointed out that they are sufficiently malicious to invoke contempt proceedings against the petitioner. A perusal of the relevant allegations shows that the petitioner has in his, vitriolic not spared even the judges at all levels who have decided his cases. He has made unfounded and uncalled for allegations against them. There is no doubt in our mind that these statements cast aspersions on Courts and prima facie amount to their contempt and will justify initiation of contempt proceedings against the petitioner. Taking into consideration, however, the advanced age of the petitioner, his physical condition and his obsession with his claim which has obviously made him lose balance of his mind, we are of the view that no useful purpose will be served by taking contempt proceedings against him. Hence, we feel that the best course in the circumstances is to ignore his vituperations and not to invoke our contempt-jurisdiction against him.