
(2011) 11 DEL CK 0059
In the Delhi High Court
Case No : LPA 906 of 2011

T.M. Sampath

APPELLANT

Vs

Secy Ministry of Water Resources and Others

RESPONDENT

Date of Decision : 08-11-2011

Acts Referred:

Citation : (2011) 11 DEL CK 0059

Hon'ble Judges : S.P. Garg, J;Pradeep Nandrajog, J

Bench : Division Bench

Advocate : Raman Oberoi, Advocate for R-1, Mr. R.V. Sinha, Advocate with Mr. A.S. Singh, Advocate for R-2, for the Respondent

Final Decision : Dismissed

Judgement

Pradeep Nandrajog, J.—The appellant who otherwise has no concern with the post of Director (Finance) under R-2 filed a writ petition seeking writ of quo warranto to quash appointment of R-3 as Director (Finance). Vide impugned order dated 23.8.2011, review whereof has been declined vide order dated 9.9.2011, learned Single Judge has held that the appellant has no locus standi to maintain the writ petition holding that the law declared by the Division Bench of this Court in the judgment reported as Dr. Devinder Gupta Vs. Union of India (UOI) and Others, binds him. The learned Single Judge has held that the petitioner was a stranger and had no concern as to who was appointed as a Director (Finance) by R-2.

2. The decision passed by the Division Bench which has been relied upon by the learned Single Judge does not hold as observed by the learned Single Judge. The decision recognizes that for a writ of quo warranto the strict rules of locus standi are not strictly applicable as was observed by the Supreme Court in the decision reported as Godde Venkateswara Rao Vs. Government of Andhra Pradesh and Others, but clarified that it is not that all and sundry can file a writ petition seeking writ of quo warranto. The petitioner must show his credentials and a bona fide stake, not personal to him, in the matter. Indeed, the same view has

been taken by the Supreme Court in a subsequent decision reported as B. Srinivasa Reddy Vs. Karnataka Urban Water Supply and Drainage Board Employees" Association and Others,

3. Rather than remand the matter before the learned Single Judge to have a re-look at the locus standi of the appellant to maintain the writ petition, we would simply highlight that the appellant is a disgruntled employee of R-2 and is a habitual and chronic litigant, having lost at every stage on every issue which he agitated against R-2. He has embroiled R-2 in 14 writ petitions being W.P. (C) No. 7662/2002, W.P. (C) No. 4385/2003, W.P. (C) No. 6972/2003, W.P. (C) No. 488/2004, W.P. (C) No. 2220/2005, W.P. (C) No. 3629/2005, W.P. (C) No. 14074/2006, W.P. (C) No. 2644/2007, W.P. (C) No. 5981/2007, W.P. (C) No. 7745/2008, W.P. (C) No. 186/2009, (which two petitions were transferred to the Central Administrative Tribunal for adjudication) W.P. (C) No. 7509/2009, W.P. (C) No. 8052/2009, W.P. (C) No. 8645/2009, W.P. (C) No. 9083/2009 and W.P. (C) No. 9099/2009. Besides, he has litigated 10 times against his ex-employer before the Central Administrative Tribunal. Twice as per W.P. (C) No. 7745/2008 and W.P. (C) No. 186/2009 which were transferred to the Central Administrative Tribunal for adjudication and O.A. No. 639/2008, O.A. No. 2037/2008, O.A. No. 2141/2008, O.A. No. 2504/2008, O.A. No. 58/2009, O.A. No. 85/2009, O.A. No. 251/2009, O.A. No. 405/2009 and O.A. No. 599/2009.

4. Deciding O.A. No. 639/2008 the principal bench of the Central Administrative Tribunal as per its decision dated 28.7.2008 observed that the appellant evidences chronic litigious behaviour as also paranoiac behaviour.

5. We note that the appellant had raised frivolous service related disputes and lost successively. There is enough evidence that the appellant is litigating with malice and not pro-bono and thus we hold that the appellant is not entitled to maintain an action praying that a writ of quo warranto be issued qua the appointment of R-3 as Director (Finance) by R-2. We dismiss the appeal but refrain from imposing any cost.