



2026:CGHC:14441-DB
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1136 of 2026

Reserved on 20/03/2026

Pronounced on 27/03/2026

Ramgovind Shukla S/o Omkarnath Shukla, Aged About 58 Years, R/o Berawa, Khargapur, Prayagraj (Uttar Pradesh)

... Petitioner

versus

1 - State of Chhattisgarh (Earlier State of Madhya Pradesh) Through Secretary Department of Home (Police), Mahanadi Bhawan, Atal Nagar, Raipur, District : Raipur (CG)

2 - Director General of Police Chhattisgarh, Police Head Quarter Raipur, District : Raipur (CG)

3 - Inspector General of Police Durg Range, District : Durg (CG)

4 - Dy. Inspector General of Police, Raipur Zone, Raipur, District Raipur (CG)

5 - Superintendent of Police, Rajnandgaon, District : Rajnandgaon (CG)

... Respondents

For Petitioner : Ms. Prabha Shankar Pandey and Mr. Aman Upadhyay, Advocates

For State/Respondents : Mr. Kanwaljeet Singh Saini, Dy. G.A.

DB: Hon'ble Shri Justice Sanjay S. Agrawal & Hon'ble Shri Justice Amitendra Kishore Prasad
C A V Order

Per **Sanjay S. Agrawal, J.**

1. By virtue of this petition, the petitioner is questioning the legality and propriety of the order, dated 22.03.1997 (Annexure P-1) passed by the Madhya Pradesh State Administrative Tribunal,

Principal Bench At Jabalpur (hereinafter referred to as 'the Tribunal'), whereby, the Original Application No.2069/1994 filed by the petitioner, has been dismissed in terms of the order dated 22.03.1997 (Annexure P-2) passed by the said authority in O.A.No.2065/1994 "Moturam Vs. State of M.P. & Others".

2. From perusal of the record, it appears that the petitioner-Ramgovind Shukla, who was posted in Police Station, Manpur, District Rajnandgaon as a Constable, was faced a Departmental Enquiry, along with others, namely, Moturam, Rajkumar, Bhuvaneshwar and one Ashok Kumar Sahu, pertaining to the allegations that they were absent from their duties without permission on 22.09.1992, coupled with the allegations that they raided the '*Badi*' of one Pusuram Sinha at village Motipur during the intervening night of 11th and 12th September, 1992, where they caught several persons gambling, but despite the seizure of Rs.40,000/- (Rupees Forty Thousand) from them, the same was distributed amongst themselves without registering any case in connection with the alleged crime.
3. In the said Departmental Enquiry, the petitioner and others were held guilty and were accordingly, removed from service vide order, dated 30.09.1993 passed by the Superintendent of Police, Rajnandgaon, which was affirmed vide order dated 31.12.1993 and 27.06.1994, passed by the Deputy Inspector General of Police, Raipur Range and the Director General of Police, Bhopal, respectively, in appeal preferred by the petitioner and others.

4. It appears further that being aggrieved with the aforesaid dismissal in departmental proceedings, an original application, being O.A.No.2069/1994, was preferred by the petitioner before the Tribunal, who vide its order impugned dated 22.03.1997 (Annexure P-1) has dismissed the same in terms of the order dated 22.03.1997 (Annexure P-2) passed by the Tribunal in O.A.No.2065/1994 "Moturam Vs. State of M.P. & Others". The said order was, however, reviewed by the Tribunal in Miscellaneous Application No.93/1997 preferred by the petitioner and others' vide its common order dated 29.06.1999 (Annexure P-8) and the matter was, accordingly, directed to be reopened for its re-hearing and upon dissolution of the State Administrative Tribunal, it was transferred to this Court and was re-numbered as "Writ Petition (S) No.978/2005".
5. In the aforesaid petition, this Court vide its common order dated 04.04.2011 (Annexure P-9) has reversed the said dismissal order passed in the said Departmental Enquiry while directing for the reinstatement of the petitioner and others without back-wages as their conduct was found to be serious in nature.
6. It is to be seen further that, being aggrieved with the aforesaid order, an appeal, being Writ Appeal No.358/2011, was preferred by the State Government, along with others', namely, Writ Appeal No.342/2011, Writ Appeal No.343/2011, Writ Appeal No.344/2011 and Writ Appeal No.345/2011, wherein, the Co-ordinate Bench of this Court by way of its common order dated 14.08.2012 (Annexure P-10) has allowed the same, while upholding the order

dated 22.03.1997 (Annexure P-1), as passed by the Tribunal and that by reversing the order dated 04.04.2011 passed in Writ Petition (S) No.978/2005. It is to be seen further that the said order was sought to be reviewed by the petitioner and others, but the same was dismissed vide common order dated 12.03.2013 (Annexure P-11), passed in Review Petition No.170/2012 and others, i.e. Review Petition No.168/2012 and Review Petition No.169/2012.

7. It appears further that the petitioner and others', being dissatisfied with the aforesaid order have preferred Special Leave Petitions (Civil), bearing Nos.6618-6625/2015, before Hon'ble the Supreme Court, where the same were dismissed vide common order dated 17.04.2015 (Annexure P-12) and, the Review Petition, being Review Petition (Civil) Diary No. 27636 of 2021, preferred there-against, along with others, was also dismissed by Hon'ble the Supreme Court vide its common order dated 03.02.2022 (Annexure P-13) and the same was the fate in Curative Petition (Civil) No.209/2023 vide common order dated 20.09.2023.
8. After the dismissal of the aforesaid petitions, the instant petition has been filed by the petitioner- Ramgovind Shukla alone questioning the propriety of the order dated 22.03.1997 (Annexure P-1) passed in O.A.No.2069/1994 and, the counsel appearing for the petitioner while referring to the observation made at paragraph 37 of the order, dated 14.08.2012 (Annexure P-10) passed in Writ Appeal No. 358/2011, submits that since the correctness of the alleged order dated 22.03.1997 passed in O.A.No.2065/1994 was

not examined, therefore, under such circumstances, the petitioner has a right to question the same now by way of filing this petition.

- 9.** In order to consider the aforesaid contention, it is necessary, not only to examine the said observation made at paragraph 37 in the said order dated 14.08.2012, but the entire of its findings made therein are required to be seen. Paragraph 37 of the said order reads as under :-

“37. Since this writ petition does not arise out of main order dismissing the original applications of the respondents and hence, we cannot examine the legality and correctness of the main order dated 22.03.1997 passed in O.A. No.2065/1994 in this writ petition, In other words, the main order could be challenged by the respondents herein only whose original application was dismissed by such order. It was not done either in past or here by not filing any cross objection and hence, it has attained the finality as against the respondents”.

- 10.** What has been observed by the Co-ordinate Bench of this court in the aforesaid paragraph that, since the respondents therein, i.e. the petitioner- herein and others' have failed to assail the same, i.e. the main order dated 22.03.1997 passed in O.A.No.2065/1994, therefore, the same has attained its finality.

- 11.** It is to be noted at this juncture, the observations made at paragraphs 41 and 42, which read as under :-

“41. Needless to say, since the charges levelled against the respondents were very serious and they having been proved, in domestic inquiry, the dismissal was the most appropriate punishment to them as per Rules. It did not require any leniency in awarding. It was rightly upheld by the SAT by their order dated 22.03.1997 passed in O.A. No.2065/1994.

42. In the light of foregoing discussion, and the view that we have taken, we are of the view that dismissal order of the respondent from the services deserves to be upheld and is accordingly upheld”.

12. What is, therefore, reflected from the aforesaid orders, that the order dated 22.03.1997 (Annexure P-1) passed by the Tribunal, though reversed by the learned Single Judge vide order dated 04.04.2011 (Annexure P-9), but was found to be affirmed by the Co-ordinate Bench of this court vide order dated 14.08.2012 (Annexure P-10) passed in Writ Appeal No. 358/2011 while reversing the said order dated 04.04.2011 and, was affirmed further by the Supreme Court even upto the disposal of the Curative Petition (Civil) No. 209/2023 vide order dated 20.09.2023.
13. In view of the said observations, it cannot be said that the petitioner would be entitled to question the same as alleged herein by the counsel appearing for the petitioner and, based upon the aforesaid facts and circumstances, the instant petition as framed and filed questioning the order dated 22.03.1997 (Annexure P-1) passed by the Tribunal, appears to be rather misconceived in nature and cannot be held to be sustainable in the eye of law from the stretch of any imagination and, deserves to be dismissed with an exemplary cost in the light of the principles laid down by the Supreme Court in the matter of **Dnyandeo Sabaji naik and another vs. Pradnya Prakash Khadekar and others**, reported in **(2017) 5 SCC 496**, wherein, the Supreme Court has deprecated specifically the conduct of the litigants in flooding the Court with frivolous litigations as a result of which, the genuine matters, which

require consideration are delayed. The relevant observations made therein at paragraphs 13 and 14 read as under:-

"13. This Court must view with disfavour any attempt by a litigant to abuse the process. The sanctity of the judicial process will be seriously eroded if such attempts are not dealt with firmly. A litigant who takes liberties with the truth or with the procedures of the Court should be left in no doubt about the consequences to follow. Others should not venture along the same path in the hope or on a misplaced expectation of judicial leniency. Exemplary costs are inevitable, and even necessary, in order to ensure that in litigation, as in the law which is practised in our country, there is no premium on the truth.

14. Courts across the legal system - this Court not being an exception - are choked with litigation. Frivolous and groundless filings constitute a serious menace to the administration of justice. They consume time and clog the infrastructure. Productive resources which should be deployed in the handling of genuine causes are dissipated in attending to cases filed only to benefit from delay, by prolonging dead issues and pursuing worthless causes. No litigant can have a vested interest in delay. Unfortunately, as the present case exemplifies, the process of dispensing justice is misused by the unscrupulous to the detriment of the legitimate. The present case is an illustration of how a simple issue has occupied the time of the courts and of how successive applications have been filed to prolong the inevitable. The person in whose favour the balance of justice lies has in the process been left in the lurch by repeated attempts to revive a stale issue. This tendency can be curbed only if courts across the system adopt an institutional approach which penalizes such behavior. Liberal access to justice does not mean access to chaos and indiscipline. A strong message must be conveyed that courts of justice will not be allowed to be disrupted by litigative strategies designed to profit from the delays of the law. Unless remedial action is taken by all courts here and now our society will

breed a legal culture based on evasion instead of abidance. It is the duty of every court to firmly deal with such situations. The imposition of exemplary costs is a necessary instrument which has to be deployed to weed out, as well as to prevent the filing of frivolous cases. It is only then that the courts can set apart time to resolve genuine causes and answer the concerns of those who are in need of justice. Imposition of real time costs is also necessary to ensure that access to courts is available to citizens with genuine grievances. Otherwise, the doors would be shut to legitimate causes simply by the weight of undeserving cases which flood the system. Such a situation cannot be allowed to come to pass. Hence it is not merely a matter of discretion but a duty and obligation cast upon all courts to ensure that the legal system is not exploited by those who use the forms of the law to defeat or delay justice. We commend all courts to deal with frivolous filings in the same manner."

(Emphasis Supplied)

- 14.** In view of the aforesaid mandate given by Hon'ble the Supreme Court, the instant petition deserves to be and, is hereby dismissed with cost of Rs.25,000/- (Rupees Twenty Five Thousand only) payable to the respondents by the petitioner within a period of 45 days from today.

Ordered accordingly.

Sd/-
(Sanjay S. Agrawal)
Judge

Sd/-
(Amitendra Kishore Prasad)
Judge