

Roshan Lal Ahuja

Vs

Dr. S. C. Jain and Others

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Union of India and Others

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Dr. S. C. Jain and Others Writ Petition No. 4462 and Transferred Case No. 72 of 1978 and Civil Misc. Petition No. 17023 of 1979 in Special Leave Petition (C) No. 296 of 1976

(O. Chinnappa Reddy, Ranganath Misra JJ)

20.11.1986

JUDGMENT

CHINNAPPA REDDY, J. -

The facts, simple enough as they are, have been complicated by the voluminous record built up by the petitioner and the various interim orders passed by this Court from time to time. Shorn of all unnecessary detail, the relevant facts are these : The petitioner was originally appointed as a Draftsman Grade II in the pay-scale of Rs. 205-7-240-8-280 in the year 1964. In the year 1970 an order was made on January 28, 1970 by which he was purported to be reduced in rank to the post of Draftsman Grade III in the scale of Rs. 150-5-175-6-205-EB-7-240. It is this order that is challenged in the present writ petition filed in 1978. But the matter is not so simple. The very order was challenged by this petitioner in the Delhi High Court by way of a writ petition (Civil Writ Petition No. 194/70) and that writ petition was dismissed by the High Court on August 16, 1974 by a learned Single Judge. A letters patent appeal was dismissed on December 3, 1974 and the special leave petition filed against the judgment of the High Court was also dismissed by this Court. The petitioner then sought a review of the order on the special leave petition on two occasions and both the petitions for review were dismissed. Not satisfied, the petitioner filed Writ Petition No. 32 of 1977 in this Court and that was dismissed as withdrawn. The present writ petition was filed thereafter. What has been said so far by us was enough to have entailed the dismissal of the writ petition in limine. However, that was not done and rule nisi was issued. We find from the record that various interim orders were made from time to time directing reinstatement of the petitioner and also directing the Government to consider the question of entitlement of the petitioner to arrears of salary and other benefits and soon. The only other notable fact which must be mentioned is that the petitioner was convicted by the Sessions Judge of the offence of attempting to commit murder by shooting at his wife. The conviction was confirmed by the High Court. A special leave petition filed in this Court was also dismissed but some observations were made, which according to the

petitioner have absolved him of any moral turpitude in the matter. Consequent upon the conviction by the criminal court he was dismissed from service. He also seeks to challenge the order of dismissal by way of an amendment to the original writ petition.

2. We do not think that any interference is called for by us at the instance of the petitioner. As mentioned by us the order reducing him in rank was questioned by him repeatedly before the present writ petition was filed and on every occasion he lost. We do not see any justification for permitting him to challenge the order once again in the present writ petition. In view of the dismissal of the earlier writ petitions we cannot also entertain his claims for arrears of salary and other benefits. In fact, we notice that one of the interim orders of this Court expressly stipulates that he may be reinstated in service as a fresh entrant. The order is in the following terms :

Defence Ministry will expedite consideration and as far as possible absorb this small draftsman back into service subject to such conditions as it seeks to impose. The appointment will be a de novo appointment.

It was pursuant to this order the petitioner was reinstated in service and he cannot, therefore, claim to be entitled to any arrears of salary. Some time thereafter came the order dismissing him from service on the ground that he had been convicted of the offence of attempt to murder. This order was passed after notice to the petitioner and we are unable to find any infirmity in the order of dismissal from service. The petitioner relied upon the observations of this Court at the time the disposal of the special leave petition in the criminal case and urged that he was absolved of moral turpitude in that case. It is not possible for us to accept this contention. All that the court said was that it may be that there was no moral turpitude and that may be taken into account for other purposes but so far as the criminal case was concerned the conviction and sentence were correct. We are not prepared to read the observations of the court as absolving the petitioner of all moral turpitude. We are unable to hold that the order dismissing the petitioner from service was illegal or improper. The petitioner has filed innumerable petitions, for amendment of the writ petition, for inspection of documents, for directions and so on. We do not consider it necessary to refer to any of these applications. He also filed a writ petition in the Delhi High Court for the benefits to which he claimed to be entitled consequent on his reinstatement. This writ petition is also before us having been transferred to this Court. We do not see any merit in it. The writ petition, the transferred case and the several civil miscellaneous petitions are dismissed. The application for intervention is also dismissed. No costs.

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