

Roshan Lal Ahuja

Vs

Dr. S. C. Jain and Others

Writ Petition (Civil) No. 946 of 1988

(CJI Ranganath Misra, M. N. Venkatachaliah, A. M. Ahmadi JJ)

07.03.1991

JUDGMENT

RANGANATH MISRA, C.J. –

1. This is an application under Article 32 of the Constitution challenging the vires of Rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 and for quashing of certain proceedings and adverse orders as also asking for directions to confer certain service benefits on the petitioner.

2. Maintainability of this write petition has been seriously challenged by the respondents by contending that the judgment of this Court dated November 20, 1986, in Writ Petition No. 4462 of 1978 and the connected matters finally disposed of the petitioner's claims and a fresh proceeding by-passing that judgment could not be maintained.

3. Petitioner has argued his matter in person and this case has a chequered career. The main plank of the petitioner's stand is an order of a three Judge bench of this Court dated July 27, 1979, in which certain favourable observations had been made in regard to the charges which constituted the foundation of the disciplinary proceedings. The petitioner out of over-anxiety to succeed in his own cause has made several statements in this case running counter to each other which perhaps may not be necessary to be noticed. Even after orders were reserved he has filed a memorandum that his case should be disposed of quickly as his contentions might be overlooked by delay.

4. After that matter was heard and the real dispute emerged in a discernible shape it appeared to us that the claim related to payment of salary for a particular period. We do not think in the facts of the case a direction for payment of salary for any specific period can be made at this stage. We, however, feel that the petitioner's grievance would be adequately met if a quantified sum is paid to him. We had suggested to Mr. Mahajan for the Union of India to indicate the amount when the matter was heard but he ultimately left it to us. Taking an overall picture available from the records and submissions that have been made at the bar we fix such sum at Rs. 30,000 (thirty thousand) net and direct the Union of India to pay the same to the petitioner within eight weeks hence. The necessity to make an order of this type has arisen on account of the fact that the observations made by the three judge judgment, referred to above, had not been given effect to when the write petition of 1978 was disposed of. This must be taken as the final order in this proceeding and the Registry would not be justified to entertain any fresh application of the Petitioner. Criminal M.P. No. 3564 of 1989 is also disposed of.

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