

CASE NO.:
Writ Petition (crl.) D8445 of 2004

PETITIONER:
R.N. SHARMA

RESPONDENT:
B.M GUPTA (EX. REGISTRAR J-I)AND ANR

DATE OF JUDGMENT: 30/03/2007

BENCH:
K.G. BALAKRISHNAN & P.P. NAOLEKAR

JUDGMENT:
JUDGMENT

O R D E R

CRMP NO. 10565 OF 2004
IN
WRIT PETITION (CRL.) D. NO. 8445 OF 2004

K.G. BALAKRISHNAN, CJI.

The petitioner-in-person was an officer in the Air Force. He was discharged from service on 8.10.1965. He filed a Civil Writ Petition (No. 335/1970) before the High Court of Delhi challenging his discharge from service. The High Court disposed of the matter on 15.5.1995. Though the discharge was held not valid, there was no order of reinstatement or damages or any direction to pay arrears of salary or any such pecuniary benefits. The petitioner-in-person, it seems, filed a Review Application before the High Court and the same was dismissed on 14.10.1998. He challenged that order by filing S.L.P. (C) No. 8728/1999, which was dismissed by this Court on 9.8.1999. The petitioner-in-person moved the High Court by filing another Application i.e. Application No. 13115 of 2000 for execution of the decree dated 15.5.975, which was also dismissed by the High Court on 10.5.2001. Aggrieved by the same, the petitioner-in-person again filed S.L.P. (C) No. 1998 of 2002 and the same was dismissed by this Court on 12.7.2002. Having been unsuccessful in all these proceedings, the petitioner again filed an Application on 23.7.2002 under Order XVIII Rule 5 of Supreme Court Rules, 1966. That application was dismissed, as also the subsequent Review Petition. Petitioner-in-person again moved Contempt Petition D. No. 4555/2003 arraying two of the Judges of this Court as respondents and also the then Solicitor General of India. The Registrar declined to entertain the Contempt Application and aggrieved by the order of the Registrar, the petitioner filed a Criminal Writ Petition against the then Registrar (Judicial) which was placed before the Chamber Judge. That Application was rejected on 11.4.2003. Thereafter, the petitioner filed a Writ Petition (Crl.) D.No. 8445/2004 arraying one of the Hon'ble Judges of this Court and also an Assistant Registrar of this Court, as respondents. The Registrar rejected the said petition under Order XVIII, Rule 5 of the Supreme Court Rules, 1966. Petitioner challenges this order.

We heard the petitioner-in-person. The petitioner has a grievance that though his discharge from Air Force was held to be not valid by the High Court, it did not order his

reinstatement nor gave any pecuniary benefits to him. Feeling aggrieved by the same, the petitioner-in-person had all along been unsuccessfully pursuing these remedies. However, as the SLP filed by the petitioner-in-person against the order of the High Court dated 15.5.1975 was dismissed, all subsequent proceedings initiated by him were nothing but an exercise in futility.

In our opinion, the Registrar was justified in holding that the petitioner-in-person has no cause of action to continue these proceedings any longer. No relief could be given to help the petitioner-in-person in these proceedings in the absence of any cause of action, notwithstanding the fact that he had succeeded before the High Court. The order passed by the Registrar is affirmed and this application is disposed of accordingly.