

Pandurang Vithal Kevne

v.

Bharat Sanchar Nigam Limited & Anr.

(Special Leave Petition (C) Diary No. 56230 of 2024)

20 December 2024

[J.K. Maheshwari and Rajesh Bindal,* JJ.]

Issue for Consideration

Whether the High Court rightly disallowed Petitioner's application for condonation of delay and rejected the second review petition in light of Petitioner's repeated and frivolous litigation.

Headnotes[†]

Condemnation of unscrupulous litigation – Jumping from one forum to another despite the issue being well-settled through reasoned orders – A stark example of blatant misuse and abuse of the judicial process – Forum shopping by filing repetitive and meritless pleas in Supreme Court and High Court – Repetitive and meritless pleas deliberately delays proceedings – Wastes the court's valuable time and resources and hinders efficient addressal of genuine and timely claims:

Held: The Petitioner repeatedly filed numerous meritless petitions, appeals and motions in multiple legal and administrative forums, even though his grievances had been well-settled through reasoned orders – The right to access the courts is a cornerstone of democracy, however, the right is not absolute and must be exercised responsibly – The Petitioner's relentless and frivolous litigation spree has wasted the Court's valuable time and resources, and is one of the reasons which results in choking the dockets in courts – Litigants engaging in forum shopping deliberately delay proceedings, eroding the very foundation of the legal system. [Paras 2-3, 17-18]

Consequences of filing frivolous appeals and petitions – Deterrence against such appeals and petitions by imposition of costs – Unscrupulous litigants polluting the stream of justice, putting hurdles in its dispensation to others – Heavy

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cost on Petitioner a clear message to others for not daring to play with the Judicial System – Duty of Courts to curb such type of litigation:

Held: Condemning litigants who use the justice system for their benefit and attempt to pollute the streams of justice, this Court discussed raising deterrence against such frivolous pleas by imposing costs on the litigating parties – Based on previous well-reasoned orders of the Bombay High Court and the Supreme Court, the Special Leave Petition was dismissed as the Supreme Court found no merit in the Petition – Therefore, the application for condonation of delay was also dismissed – A cost of ₹1,00,000/- (Rupees One Lakh) was imposed on the Petitioner to give a clear message to unscrupulous litigants who are polluting the stream of justice and putting hurdles in its dispensation to others – It is the duty of the Courts at different levels to curb such type of litigation that chokes the justice system resulting in delays in decision of other cases. [Paras 19-23]

Case Law Cited

Subrata Roy Sahara v. Union of India, **2014 INSC 367 : [2014] 12 SCR 573**; *Dalip Singh v. State of Uttar Pradesh*, **2009 INSC 1277 : [2009] 16 SCR 111**; *K.C. Tharakan v. State Bank of India & Ors.*, **W.P. (C) Diary No(s). 27458/2022 decided on 01.05.2023 – relied upon.**

List of Keywords

Special Leave Petition; Second Review Petition; Condonation of delay; Industrial dispute; Frivolous litigation; Forum shopping; Meritless pleas; Imposition of costs; Blatant misuse of judicial process.

Case Arising From

CIVIL APPELLATE JURISDICTION: Special Leave Petition (Civil) Diary No. 56230 of 2024

From the Judgment and Order dated 11.06.2024 of the High Court of Judicature at Bombay in IA No. 2748 of 2021 in Review Petition (L) No. 7558 of 2021

Appearances for Parties

Randhir Kumar Ojha, Adv. for the Petitioner.

Pandurang Vithal Kevne v. Bharat Sanchar Nigam Limited & Anr.**Judgment / Order of the Supreme Court****Order****Rajesh Bindal, J.**

1. The present Special Leave Petition has been filed impugning the order dated 11.06.2024 vide which the High Court¹ was pleased to disallow the petitioner's Application for condonation of delay² and rejected the Second Review Petition.³
2. This Special Leave Petition before us is yet another stark example of the blatant misuse and abuse of the judicial process. The petitioner, seemingly blinded by his own sense of grievance, has embarked on a relentless and frivolous litigation spree, dragging this Court and the High Court through multiple meritless review petitions, appeals, and motions, all stemming from his well-reasoned removal from service. This is one of the reasons which results in choking the dockets in courts.
3. Before delving into the specifics of this case, it is imperative to underscore that the right to access the courts is a cornerstone of our democracy. However, this right is not absolute and must be exercised responsibly. When litigants, like the petitioner before us, engage in forum shopping, file repetitive and meritless pleas, and deliberately delay proceedings, they erode the very foundation of our legal system.
4. Now, turning to the facts of this case in brief, as is evident from the material on record, the petitioner was employed as an Examiner with the respondent No. 1 organization since 1977. In December 1997, respondent No. 1 issued him a charge sheet for misconduct due to his frequent and prolonged absence from duty, without prior permission or intimation. Following a departmental inquiry, the petitioner was found guilty and was removed from service w.e.f. 14.07.2000. His statutory appeal was dismissed by the appellate authority. The petitioner then raised an industrial dispute, which was referred to the Central Government Industrial Tribunal (CGIT) at Mumbai.

1 High Court of Bombay, Maharashtra

2 I.A. No. 2748 of 2021

3 R. P. No. 7558 of 2021

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5. On 22.12.2006, the CGIT passed a final award upholding the petitioner's removal from service. It ruled that the petitioner's absences qualified as misconduct as these were "habitual" and without prior permission. Even if respondent No. 1 later regularized his absences, it did not change the fact that he had been absent without permission. The CGIT also noted that he did not seem interested in adhering to rules and regulations or exhibiting devotion to his duty. The respondent No. 1 also got a police investigation done after the domestic enquiry was initiated, which revealed that the petitioner was running a business in the name of his wife, at his native place while being employed under respondent No. 1. As the petitioner raised the defence of illness, the respondent No. 1 directed him to undergo a medical examination. He was declared medically fit to resume duty vide Medical Certificate dated 06.10.1997. However, he did not report for work until 27.01.1998. Further, he promptly took two days of leave and proceeded to be absent again for two months.
6. The petitioner filed a Writ Petition No. 2584 of 2007, before the High Court seeking to challenge the CGIT's award. The High Court passed a well-reasoned order and upheld the CGIT's award dated 22.12.2009. The High Court found that the CGIT was correct in upholding the petitioner's removal from service, considering his prolonged and frequent unauthorized absence, his lack of interest in work, and the fact that he was running a private business while being employed with respondent No. 1. The Court held that the petitioner's actions clearly demonstrated that he was not interested in job and was not a suitable employee for respondent No. 1.
7. On 25.01.2010, the petitioner filed Review Petition No. 6 of 2010, praying for review of judgment dated 05.12.2009 passed in Writ Petition No. 2584 of 2007. The Court dismissed the review petition, holding that there were no error apparent on the face of the record.
8. Challenging the aforesaid orders, the petitioner filed Special Leave Petition (Civil) Nos. 19572-19573 of 2010. This Court dismissed both petitions, finding no merit therein.
9. Dissatisfied with the order, the petitioner on 04.10.2012, filed an application to the Ministry of Law & Justice, Government of India, seeking an inquiry against the Presiding Officer of the CGIT, Mumbai and the two High Court judges who had adjudicated his case, including the then Chief Justice of the Bombay High Court.

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10. A perusal of the records shows that the Review Petition No. 6 of 2010 was listed again in the year 2015, despite being dismissed already on 25.01.2010. The listing records of the case were also tallied with the web portal of the High Court and the same discrepancy was found. The Review Petition No. 6 of 2010 once again came to be dismissed vide order dated 31.03.2015. As there is nothing on record we are not going in further details.
11. In an attempt to revive his case, the petitioner filed Notice of Motion No. 71 of 2015, seeking the court's permission to file a second review petition despite delay. The High Court on 05.08.2015, dismissed the motion, reasoning that even if the delay is condoned, a second review petition would not be legally permissible.
12. Unrelenting, the petitioner filed another Notice of Motion No. 369 of 2015, seeking to challenge the High Court's order dated 31.03.2015, which had effectively closed the doors on his review petition. The High Court vide order dated 18.11.2015 dismissed this motion as well, holding that it was not maintainable.
13. Once again, the petitioner filed Special Leave Petition (C) No. 4170 of 2016 before this Court, challenging aforesaid order of the High Court. This Court dismissed the SLP on 18.04.2016, declining to intervene in the matter.
14. At every stage the petitioner failed. Initial findings of misconduct and the legitimacy of his dismissal confirmed. After exhausting his legal remedies, the petitioner filed complaints alleging corruption against the judges who decided his case to several authorities including Hon'ble the President of India on 13.02.2012, Hon'ble the Prime Minister of India on 18.12.2017 and 03.01.2018, and Hon'ble the Chief Justice of the Bombay High Court on 19.01.2021.
15. The Hon'ble Chief Justice of the Bombay High Court responded to the petitioner's letter on 23.02.2021, stating that *"without a proper review petition, nothing can be done to reopen the issues decided."* The petitioner seized upon this administrative note as a green light to re-litigate his case. In March 2021, the petitioner, filed a Second Review Petition (No. 7558 of 2021) before the High Court along with an application for condonation of delay.⁴ The High Court, clearly

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exasperated by the petitioner’s persistent and frivolous attempts to revive a long-settled matter, heard the Interim Application and decided the same vide the impugned order dated 11.06.2024. The High Court dismissed the application for condonation of delay, holding that it was absolutely baseless and not maintainable in law. It further emphasized the lack of merit in condoning the colossal and inordinate delay of 4088 days (11 years and two months) in reviewing an order dated 05.12.2009. While disposing of the Second Review Petition (No. 7558 of 2021), the High Court observed that:

“7....Therefore, instead of adding anything more, we only observe that, this Application is nothing but an unscrupulous idea and attempt to take disadvantage of the technical endorsement of the Hon’ble the Chief Justice. Secondly, as one can easily perceive, the sheer frustration on account of losing the litigation at every stage prompted the Applicant to file this Application coupled with the Review Petition. Thirdly, the Review Petition intended to be filed based on the relief in this Application itself, is wholly misconceived.”

- 16. Despite the above order, the petitioner did not sit quiet. Challenging the aforesaid order of the High Court, the petitioner has filed the present Special Leave Petition before this Court.
- 17. As discussed, the petitioner has jumped from one forum to another, both legal and administrative, agitating his grievance repeatedly, despite the same being well-settled through reasoned orders. The forum shopping exercise of the petitioner is summarized in the table hereinbelow:

Date	Proceedings	Decision
14.07.2000	Dismissal Order passed by respondent No. 1	Competent Authority removed the petitioner from service for misconduct due to frequent and prolonged absence from duty without prior permission or intimation.
–	Statutory Appeal	Appellate Authority dismissed the appeal filed by the petitioner, finding no merits therein.

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22.12.2006	CGIT-12 of 2004 before CGIT, Mumbai	Passed an Award upholding the petitioner's removal from service.
05.12.2009	W.P. (C) No. 2584 of 2007 before the High Court of Bombay	Upheld the CGIT's Award, removing the petitioner from service.
25.01.2010	R.P. No. 6 of 2010 before the High Court	Dismissed the review petition finding no error on the face of the record.
30.07.2010	SLP (C) Nos. 19572-19573 of 2010 before the Supreme Court	Dismissed both SLPs challenging orders dated 05.12.2009 and 25.01.2010.
04.10.2012	Complaint to the Ministry of Law and Justice, Government of India.	The petitioner sought an inquiry against the Presiding Officer of the CGIT, Mumbai, and the two High Court judges who had adjudicated his case.
31.03.2015	R.P. No. 6 of 2010 (Re-listed) before the High Court	Dismissed the Review Petition once again stating that the dismissal of the petitioner's SLPs had rendered the review petition infructuous.
05.08.2015	Notice of Motion No. 71 of 2015 before the High Court	The petitioner sought permission to file another review petition. High Court dismissed the motion, reasoning that a Second Review Petition would not be legally permissible.
18.11.2015	Notice of Motion No. 369 of 2015 before the High Court	The petitioner sought permission to challenge the order dated 31.03.2015. Dismissed this motion, stating that it was not maintainable.
18.04.2016	SLP (C) No. 4170 of 2016 before the Supreme Court	Dismissed the SLP challenging order dated 18.11.2015, declining to intervene in the matter.

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13.02.2012	Complaint to Office of Hon'ble the President of India	The petitioner alleged corruption against the judges who had decided his case.
18.12.2017 & 03.01.2018	Complaint to Hon'ble Prime Minister's Office	
19.01.2021	Complaint to Hon'ble the Chief Justice of Bombay High Court	
11.06.2024	Second R.P. No. 7558 of 2021 along with I.A. No. 2748 of 2021 before the High Court. [Impugned Order]	High Court dismissed the application for condonation of delay and the Second Review Petition, holding that it was not maintainable in law.

18. The petitioner's repeated and frivolous litigation has wasted the court's valuable time and resources. It is in interest of justice that genuine and timely claims are addressed efficiently, without being hindered by such unscrupulous litigation. We may refer here an observation given by this Court in ***Subrata Roy Sahara Vs Union of India***⁵:

"150. The Indian judicial system is grossly afflicted, with frivolous litigation. Ways and means need to be evolved, to deter litigants from their compulsive obsession, towards senseless and ill-considered claims. One needs to keep in mind, that in the process of litigation, there is an innocent sufferer on the other side, of every irresponsible and senseless claim. He suffers long drawn anxious periods of nervousness and restlessness, whilst the litigation is pending, without any fault on his part."

19. This Court in ***Dalip Singh v. State of Uttar Pradesh and others***⁶, has strongly condemned litigants who use the justice system for their benefit and thereby attempt to pollute the streams of justice. It was observed as under:

5 2014 INSC 367 : (2014) 8 SCC 470

6 2009 INSC 1277 : (2010) 2 SCC 114

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“1. In last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final.”

20. Time and again, this Court has raised deterrence against frivolous appeals and petitions by imposition of costs on the litigating parties. This court in the case of **K.C. Tharakan Vs State Bank of India & Ors.**⁷ held the following:

“No legal system can have a scenario where a person keeps on raking up the issue again and again once it is resolved at highest level. This is complete wastage of judicial time. We, thus, dismiss this petition with costs, though we limit the amount of costs considering the petitioner is a dismissed person. The writ petition is dismissed with costs of Rs.10,000/- to be deposited with the Supreme Court Advocates-on-Record Welfare Fund to be utilized for the SCBA library.”

21. In view of the above discussions, we find no merit in this Special Leave Petition, hence, the same is dismissed. As there is no merit in the petition, we don't deem it appropriate to even condone the delay. Hence, the application for condonation of delay is also dismissed.
22. Considering that precious time of this Court and the High Court was wasted by the petitioner, in our opinion the petitioner deserves to be burdened with heavy cost, to give clear message to the unscrupulous litigants like the petitioner for not daring to play with the Judicial System. Such type of litigants are not only polluting the stream of justice but putting hurdles in its dispensation to others. The precious judicial time which the petitioner has wasted, could very well be used for taking up the cases of other litigants who are waiting for justice.

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In fact these types of litigants are choking the system of the court, which is resulting in delays in decision of other cases. It is also the duty of the Courts at different levels to curb such type of litigation so that more time is available for dealing with genuine litigation.

23. In the light of facts and circumstances as aforesaid, we are inclined to impose a cost of ₹ 1,00,000 /- (Rupees One Lakh) against the petitioner to be deposited with the Maharashtra State Legal Services Authority within four weeks. On failure, recovery be effected from the petitioner as arrears of land revenue.
24. Pending interlocutory application(s), if any, is/are disposed of.

Result of the Case: Special Leave Petition dismissed.

[†]Headnotes prepared by: Ankitesh Ojha, Hony. Associate Editor
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