

Court No. - 5

Case :- WRIT - A No. - 857 of 2024

Petitioner :- Hari Shankar

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Kuldeep Kumar

Counsel for Respondent :- A.S.G.I., Brajesh Pratap Singh

Hon'ble Saurabh Shyam Shamschery, J.

Heard Sri Kuldeep Kumar, learned counsel for petitioner and Sri Brajesh Pratap Singh, learned counsel for respondents.

The petitioner is not a bonafide litigant. The petitioner has filed an application for compassionate appointment as his father died-in-harness on 22.02.2007. The said application was rejected by an order dated 25.07.2011, which was never challenged.

The petitioner thereafter filed a writ petition bearing No.26052 of 2016 on ground that his claim was not considered without disclosing that his application was already rejected, therefore, said writ petition was disposed of with an observation that claim of petitioner was reconsidered.

The claim of petitioner thereafter was reconsidered and considering that petitioner has not disclosed that his claim was rejected way back in the year 2011 by an order dated 06.01.2017 it was disclosed that claim of petitioner cannot be reopened.

The petitioner again approached this Court by way of filing Writ No.4677 of 2017, challenging the order dated 06.01.2017. This time also petitioner has not challenged the rejection of his application and again by misleading and making a submission that claim of similarly situated are being reconsidered, the writ petition was disposed of to consider the case for reconsideration.

Such averment was made contrary to record. There was no case of reconsideration. The question of reconsideration was already rejected by an order dated 06.01.2017. The order dated 06.01.2017 was not set aside by this Court, still matter was considered and on same ground, application was again rejected. Now the petitioner challenged the order dated 12.07.2023 The first order is not under challenge. The petitioner is agitating a

state claim. The petitioner's claim have already rejected way back in the year 2011 which still in existence. By misleading in earlier two round, this Court has granted opportunity for reconsideration, however, petitioner is now miserably failed to mislead and on basis of above referred material on records and documents since claim of petitioner was rejected way back in the year 2011 while remained unchallenged, therefore, prayer to open the case is unjustified.

Accordingly writ petition is dismissed and since petitioner is not a bonafide litigant, therefore, this writ petition is dismissed with a cost of Rs.25000/- to be paid in the account of District Legal Services Authority, Bulandshahr.

Order Date :- 28.7.2025

P. Pandey