

*Before K.S. Garewal and Sabina, JJ.*

**DR. MISS MALTI BATRA,—Petitioner**

*versus*

**STATE OF PUNJAB AND OTHERS,—Respondent**

C.W.P. No. 19193 of 2006

11th November, 2008

*Constitution of India, 1950—Art. 226—Compulsory retirement—A long litany of grievances against department—A chronic litigant—Petitioner failing to show any justification for quashing order of compulsory retirement—Grievances must form basis of valid legal submissions for challenging compulsory retirement—Petitioner repeatedly filing applications for review, reconsideration & recalling—Such applications held to be not maintainable—However, respondent directed to conclude all inquiries against petitioner & pay her outstanding dues.*

*Held*, that departmental proceedings, disciplinary action against a delinquent employee and requirement of observing rules of natural justice are all a part of a complete code of administrative procedure. In the petitioner's case, the rules of natural justice were fully observed. The penalties imposed on her were in proportion to her acts of misconduct. Repeated filing of petitions, applications in the Court do not serve any purpose. Proceedings under Article 226 constitute judicial review of administrative action. The petitioner must establish some valid ground before the Court, if she seeks review of the penalties imposed upon her. The petitioner should prove one or other of the grounds before she can succeed. The action could be *mala fide*, ultra vires, against the principles of natural justice, unreasonable, irrational, disproportionate, biased, based on wrong appreciation of evidence or upon extraneous considerations.

(Para 17)

*Further held*, that the petitioner has been unable to clearly establish any grounds for challenging the order of compulsory retirement.

She has a long litany of grievances against the department. She seems to be a chronic litigant who keeps grumbling, nit-picking and tries to split hair. All this can be expected from a single woman who possesses many grievances against the department or even Society at large, she ought to be forgiven for this. Grievances may even be real but irrespective of that grievances must form the basis of valid legal submissions for challenging compulsory retirement.

(Para 22)

Dr. (Miss) Malti Batra, petitioner in person..

V.K. Jindal, Additional Advocate General, Punjab.

***K.S. GAREWAL, J.***

(1) Dr. Miss Malti Batra's case does not seem to be as complicated as her many writ petitions and miscellaneous applications have made it out to be. She has filed petition after petition under Article 226 of the Constitution of India, ignoring all rules of pleadings, refusing to take legal advice from lawyers and persistently trying to overreach the court by directly communicating with one of the Judges on the bench. The petitioner's conduct is not of a normal person. She appears to be her own worst enemy. We often come across litigants who argue in person but none as adamant, confused or simple-minded as Dr. Miss Malit Batra.

(2) A petitioner may approach the Court to seek relief for issuance of a writ of Certiorari Mandamus Prohibition but must make out a case for quashing of administrative orders or for issuance of a mandatory or prohibitory order. Lengthy petitions containing wild and fanciful allegations, couched in language difficult to understand, are the hallmarks of the petitioner's many cases. She wants the Court to grant her relief of her choice, not the relief she is legally entitled. She has a knack of making things difficult for herself and also for the Court. Nevertheless, we must proceed to decide her case, trying to remain as impartial and uninfluenced in her fancy pleadings.

(3) CWP 19193 of 2006 was filed on December 4, 2006 seeking a direction to Secretary, Education (School), Punjab Government

for a decision on the petitioner's review application filed on 12th June, 2006. It was for review of orders dated 7th June, 2004 and 14th October, 2004. The petition came up for hearing on 7th December, 2006, time was sought to place on record the orders which were sought to be reviewed. This was done on 11th December, 2006 through CM 20627 of 2006.

(4) Thereafter, CWP 19193 of 2006 was disposed of on 11th December, 2006, with a direction to the competent authority to take a final decision on the review application filed by the petitioner, by passing a well reasoned speaking order.

(5) The petitioner filed CM 5 of 2007 seeking to summon the reviewing authority in person and also requiring the respondents to pay her monthly salary and allow her to assume her duties. This application was disposed of as infructuous on 9th January, 2007 as premature because her review application was still awaiting disposal. Thereafter, the petitioner filed CM 406 of 2007 for direction that a speaking order be passed. As speaking order indeed was passed on 27th April, 2007, this application was rendered infructuous.

(6) The petitioner filed C.M. 3652 of 2007 seeking amendment of the writ petition to challenge the order dated 27th April, 2007. Permission was granted on 1st May, 2007. However, CWP 19193 of 2006 had already been disposed of with a direction that petitioner's review application be heard. This direction was given on 11th December, 2006. Thus, the petition stood decided, therefore, unless the petition is revived, it is not understood how it could be amended. This question was agitated before the Division Bench on 10th December, 2007 and the report of the Registry was called. The office reported that the petitioner had filed CM 8760 and 8761 of 2007 for amendment of the writ petition, which are still pending. She also filed CM 10964 of 2007 for restoring the case to the previous Division Bench which is also pending. Lastly, she filed CM 14537 of 2007 for pre-poning the date. This was disposed of on 6th September, 2007. She also filed CM 20395 of 2007 for placing on record written arguments which was allowed on 10th December, 2007. The Office was not able to locate any order to show that CWP 19193 of 2006 had ever been revived. The petitioner

also filed CM 274, 10431, 10432 and 13059 of 2008 for placing on record additional written statement abstract of her case, written statement respectively.

(7) It was on 27th August, 2007 the Division Bench allowed the petitioner's prayer for hearing her both the petitioner together by this bench. The two writ petitions are CWP 19193 of 2006 and 15777 of 2002.

(8) In fact, CWP 15777 of 2002 was heard by the Division Bench and decided on 7th April, 2005. In this petition, the order of suspension passed on 22nd September, 2002 had been challenged. The Court had stayed the suspension of the petitioner on 1st October, 2002. Later the suspension order was withdrawn on 19th May, 2004 and the period of suspension from 20th September, 2002 to 30th September, 2002 was treated as period spent on duty. Therefore, CWP 15777 of 2002 was rendered infructuous and disposed of as such.

(9) Thereafter, the petitioner filed CM 8178 of 2005 for review of the order passed on 7th April, 2005 in CWP 15777 of 2002. The petitioner had challenged her suspension and suspension had been stayed. Therefore, the bench had come to the conclusion that after the final order was passed in the disciplinary proceedings, the application for stay of suspension would naturally be rendered infructuous. Consequently, the review application was dismissed on 21st April, 2006 by the Division Bench observing that there was no illegal or jurisdictional error in the order dated 7th April, 2005 which may call for its review. The petitioner did not stop here. She again again filed CM 12185 of 2006 for review of order dated 21st April, 2006 passed in CM 8178 of 2005 in CWP 15777 of 2002. When the matter came up for hearing on 21st April, 2008, the respondents directed to submit a detailed financial statement of the petitioner to reflect monthly pension and other dues payable and also lump sum payment of DCRG, GPF and leave encashment. It was also directed that details of the recovery alleged to be outstanding against the petitioner be also supplied.

(10) In reply filed by the District Education Officer, Ropar, 2nd December, 2005 in CWP 12184 of 1999, it was stated that final payment of GPF of Rs. 1,53,446 was paid to the petitioner through cheque

448971, dated 11th February, 2005 and received by her on 14th February, 2005.

(11) Leave encashment for 67 days was sanctioned in favour of the petitioner on 28th February, 2005 and she was paid Rs. 51,557 through cheque 455209 dated 18th March, 2005 received by her on the same day. Provisional pension of Rs. 8057, 250 (medical allowance) was sanctioned to the petitioner on 6th May, 2005 and the petitioner has received the pension upto October, 2005. However, dearness allowance was withheld because recovery of Rs. 9,56,465 was pending against the petitioner and a vigilance inquiry was also pending. FIR 79 dated 27th November, 2003 stood registered against the petitioner for receiving double salary for the month of May, 2005, embezzlement under Sar Siksha Abhiyan Scheme amounting to Rs. 8,53,577 and over drawn salary of suspension period from 3rd May 1999 to 19th October, 2000, amounting to Rs. 86,870.

(12) At this stage, it may be appropriate to record some main events in the petitioner's career. The petitioner had joined as Lecturer in Chemistry on 24th May, 1974. The petitioner was placed under suspension on 14th May, 1999 for being absent from duty for four days from 10th May, 1999. The petitioner was reinstated on 17th October, 2000 but joined duty only on 3rd May, 2002. She was again placed under suspension on 20th September, 2002 but the order of suspension was stayed by this Court on 1st October, 2002 on the basis of CWP 15777 of 2002 filed by the petitioner. She joined duty on 27th January, 2003 and was posted to Government Inservice Training Centre, Ropar,— *vide* order dated 24th January, 2003. She challenged her transfer by filing CWP 1724 of 2003 which was decided by the Division Bench on 7th April, 2005 as having become infructuous because the petitioner stood compulsorily retired.

(13) The petitioner had also filed CWP 4764 of 2003 to consider her to be on leave till 31st October, 2003 when the Principal was to retire. She submitted a fresh joining on 7th October, 2003 but was again suspended on 12th November, 2003. Later FIR 79, dated 27th November, 2003 and FIR 40, dated 20th February, 2004 were registered and the petitioner was also detained in judicial custody for some time.

(14) The petitioner was compulsorily retired from service on the basis of the order passed on 14th October, 2004 by the Principal Secretary, Punjab Government Department of Education (School). She had earlier been served with charge sheet had submitted her written reply but had not appeared before the Inquiry Officer. There were five charges levelled against Dr. Miss Malti Batra, which are enumerated in the retirement order Annexure P-6.

(15) Earlier the petitioner had also been placed under suspension on 14th May, 1999, charge sheeted and after hearing her, her reply was found to be unsatisfactory. The Inquiry Officer submitted his report dated 13th May, 2000. The petitioner submitted her comments to the said report which were considered. It was decided to punish her by stopping two increments with cumulative effect. The period of absence was treated as leave without pay leave of the kind due. The order was passed on 7th June, 2004 and is Annexure P-5.

(16) After CWP 19193 of 2006 was disposed of on 11th December, 2006 with a direction to the competent authority to pass a well reasoned speaking order on the review application, the petitioner was afforded an opportunity of hearing on 18th April, 2007, when she appeared personally. She again appeared on 23rd April, 2007 and also placed on record some additional papers. Shri Karan Bir Singh Sidhu, Secretary to Government of Punjab, Department of Education, passed a detailed order on 27th April, 2007 (Annexure P-10) rejecting the review application of the petitioner. The Education Secretary came to the conclusion that the order of compulsory retirement and the order withholding increments were both fair, just and reasonable. The broader public interest had been kept in view as well as the expectation that teachers are to serve as role models and should not exhibit gross negligence, and utter disregard for the lawful orders passed by the State Government. This order has been annexed,—*vide* Annexure P 10 to the writ petition, it has also been attached as Annexure R/1 to the reply filed by the respondents.

(17) Department proceedings, disciplinary action against a delinquent employee and requirement of observing rules of natural justice are all a part of a complete code of administrative procedure.

In the petitioner's case, the rules of natural justice were fully observed. The penalties imposed on her were in proportion to her acts of misconduct. Repeated filing of petitions applications in the Court do not serve any purpose. Proceedings under Article 226 constitute judicial review of administrative action. The petitioner must establish some valid ground before the Court. If she seeks review of the penalties imposed upon her. The petitioner should prove one or other of the grounds before she can succeed. The action could be *mala fide*, *ultra vires*, against the principles of natural justice, unreasonable, irrational, disproportionate, biased, based on wrong appreciation of evidence or upon extraneous considerations.

(18) Disciplinary proceedings are not an open-ended affair where government employees can keep referring to past events which have already culminated in some form of disciplinary proceeding or action. No court would go into past events unless they are relevant to appreciate the petitioner's defence with regard to the charges framed against her. Her defence may be righteous but it must be established. Righteous attitude of an employee ought not be scorned upon but no teacher works on a stand-alone basis. A school teacher is a part of team which itself is a part of a larger policy of imparting quality education to school children. Any conduct which has the effect of making a dent in the school system, indirectly affects other school teachers and the school children. An indisciplined teacher teaches nothing but undiscipline and rebelliousness.

(19) The petitioner had earlier filed CWP 6936 of 1999 for quashing suspension order dated 14th May, 1999 which alongwith her petition CWP 12184 of 1999 challenged the charge sheet issued on account of absence for four days. Both petitions were decided together on 7th April, 2005. The petitioner was relegated to the remedy of appeal as she stood compulsorily retired on 14th October, 2004.

(20) The petitioner had also filed CWP 17668 of 2000 to challenge her posting as Principal Government Senior Secondary School, Dalla. Earlier to this she challenged her posting in CWP 14788 of 2000 which was disposed of on 6th November, 2000 with a direction to the Secretary, Department of Education, to pass a speaking order on her

representation. After her posting was justified by the Secretary, she had filed CWP 17668 of 2000. However, at some later stage, the grievance of the petitioner regarding her posting to Dalla had been rectified when she was posted as District Education Officer, Ropar. Consequently, this petition was rendered intractable and was dismissed as such.

(21) Lastly, the petitioner filed a petition under Section 12 of the Contempt of Courts Act, for the alleged willful disobedience of the order dated 6th November, 2000. In reply the contemner had stated that the petitioner's representation had been considered and rejected. The order has also been challenged in CWP 17668 of 2000. Consequently, contempt proceedings were dropped.

(22) The petitioner has been unable to clearly establish any grounds for challenging the order of compulsory retirement. She has a long litany of grievances against the department. She seems to be a chronic litigant who keeps grumbling, nit-picking and tries to split hair. All this can be expected from a single woman who possesses many grievances against the department or even Society at large, she ought to be forgiven for this. Grievances may even be real but irrespective of that grievances must form the basis of valid legal submissions for challenging compulsory retirement.

(23) We find that the petitioner has been unable to show any justification for quashing the order of her compulsory retirement. The petitioner in any case would have retired in October, 2008 on reaching the age of superannuation. Therefore, the petitioner had been trying to approach one of us through a series of letters seeking a decision before her date of retirement. The letters lie sealed in their respective envelopes and shall form part of this record. We have given our judgment uninfluenced by what the petitioner may have written to us. We have sympathy for the petitioner's circumstances but no sympathy for the manner in which she conducted her case and made a mess of her affairs. A psychiatrist's couch is what the petitioner needs, not a courtroom. She needs to be cured by her compulsive litigation disorder.

(24) We conclude that the petitioner was validly retired from service on 14th October, 2004. The order was reviewed on the basis of the petitioner's prayer in this behalf; as ordered by the Court passed

in the present writ petition CWP 19193 of 2006. The petition was disposed of on 11th December, 2006. The order disposing of the petition was never reviewed but the petitioner filed CM 8760 of 2007 for amendment of the writ petition, which was allowed on 1st May, 2007 and the petitioner was permitted to place on record the amended writ petition.

(25) We also have before us CWP 15777 of 2002 which was disposed of as infructuous on 7th April, 2005. The second petition before us is CWP 19193 of 2006 which was disposed of 11th December, 2006. In both the petitions the petitioner had been repeatedly filing CMs for review reconsideration recalling but has not been able to make out any valid ground for us to re-hear the entire matter.

(26) However, after going through the record we find that there are some inquiries pending against the petitioner. What the subject matter of those inquiries is, what evidence has been collected and what conclusion has been drawn by the department are unclear. The inquiries have resulted in monetary loss to the petitioner by the withholding of retirement dues to the tune of Rs. 6,56,465. We feel that the petitioner has been unfairly treated, driven to the Court to seek relief where sympathetic hearing by the concerned department would have been sufficient. This may have helped her to clear her name in the vigilance cases. This would also have helped the petitioner to receive her full retirement dues.

(27) Therefore, while finally dismissing the petitioner's many pending applications as not maintainable, we direct the Principal Secretary, Education, Punjab to ensure that all inquiries against the petitioner are concluded by 31st December, 2008 and she is paid her outstanding dues by 31st January, 2009.

(28) We propose to monitor the progress of settlement of the petitioner's due. We are adopting this extraordinary procedure because we would like to effectively apply closure to this whole matter and also because the petitioner, on account of various factors, may be vulnerable to unnecessary delays and unjust administrative action.

(29) Be placed before the Bench on 2nd February, 2009.

---

**R.N.R.**