

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

**R.A.No.100/01/2019 in O.A.2322/2009
This the 7th day of September, 2020**

**THE HON'BLE MR. JUSTICE L.NARASIMHA REDDY, CHAIRMAN
THE HON'BLE A.K.BISHNOI, ADMINISTRATIVE MEMBER**



Sh.Vijay Kaushik

S/o Sh.Hawa Singh Kaushik

R/o E-2/2/21, MIG flats

Sector 15 Rohini

New Delhi.

... Applicant

(By Advocate : Mr.Anil Singal)

Vs.

Commissioner of Police

PHQ, MSO Building

IP Estate, New Delhi.

... Respondent

(By Advocate : Ms.Esha Mazumdar)

ORAL ORDER

{As per Hon'ble Mr. Justice L Narasimha Reddy, Chairman}



This Application is filed with a prayer to review the order dated 23.05.2011, passed by this Tribunal in OA No.2322/2009.

2. For all practical purposes, the applicant has harassed and tested the patience of the administration of the Delhi Police as well as this Tribunal, in his anxiety to get the benefits, which nobody can even imagine. He applied for the post of Sub Inspector in Delhi Police in the year 2007. He was not one of the selected candidates. By stating that some selected candidates did not join, and some, who joined have resigned, the applicant filed the OA No. 543/2009 with a prayer to direct the respondents to fill the said vacancies. He has withdrawn that OA and participated in the subsequent selections, conducted in 2009. He was selected and appointed as S.I. Thereafter he filed OA.2321/2009 claiming the relief, in relation to the recruitment, which took place in 2017. Through a detailed judgment, this Tribunal dismissed the OA, by placing reliance upon the judgment of the Hon'ble Supreme Court in ***Sankarshan Das Vs. Union Of India 1991 (3) SCC page 47*** and other judgements.

3. The applicant filed Writ Petition No.12429/2018 before the Hon'ble High Court of Delhi complaining that the Review Petition filed by him is not being disposed of by the Tribunal. Through an order dated 20.11.2018, the Hon'ble High Court directed that the Review Petition be disposed of within three months.



4. The applicant filed this Review Application in the year 2018 afresh, by stating that earlier he filed review, with Diary No.6638/2011 and the office of the Tribunal has informed him that the same is not available and as such he filed a fresh RA.

5. On merits, it is stated that the Tribunal committed errors and mistakes in dismissing the OA and that the same is liable to be reviewed. Various other contentions are also urged in Review Petition.

6. We heard Shri Anil Singal, learned counsel for applicant and Ms. Esha Mazumdar, learned counsel for respondents.

7. Rarely, we come across with persons with such a mindset as that of the applicant herein. In his anxiety, he misled not only the Tribunal but also the Hon'ble High Court.

8. As observed earlier, he was not successful in the selection for the post of Sub Inspector in the year 2007. Having filed an OA challenging his non selection, he withdrew

the same and participated in the selection for the year 2009. Even after his selection, he continued his efforts for recruitment for the year 2007. It must be said to the credit of the Hon'ble Member who authored the judgment, that it was a beautiful exposition of facts and law. The judgments of the Hon'ble Supreme Court including that of **Sankarshan Das** (*supra*) were referred to and it was held that the applicant did not have any right to be considered for selection for the year 2007.



9. Had the applicant filed a review, it was numbered and was not disposed of by the Tribunal for a long time, he could have certainly made out a grievance before the Hon'ble High Court. However, without even ensuring that the Review Application was numbered, he filed Writ Petition 12429/2018 and complained before the Hon'ble High Court that the Review is not being disposed of. Naturally, the High Court felt that the Review filed in the year 2009 cannot be kept pending for such a long time and directed that the Review be disposed of within three weeks.

10. What is required to be done by the Tribunal is, to comply with the directions issued by the Hon'ble High Court was to dispose of the review, if any, filed by the applicant. In case the applicant found that the review was not pending at all, necessary steps could have been taken to inform the

Registry of the Tribunal as well as the Hon'ble High Court. He did not do that and instead he filed fresh review, without even seeking any modification of the order of the Hon'ble High Court. In a way, he wanted to skip off the provision relating to limitation, by taking shelter under the order of the Hon'ble High Court. We do not come across instances of misuse of the process of law, like the present one.



11. On merits also, we are satisfied that every contention advanced by the applicant was dealt with thoroughly by the Tribunal and we do not find any ground to review.

12. We, therefore, dismiss the review by imposing costs of Rs.10,000/-, out of which Rs.5000/- shall be remitted to the CAT Bar Association, Delhi, and Rs.5000/- to the Delhi Police (Recruitment Cell) within four weeks. If the amount is not paid by the applicant, the same shall be deducted from his salary for the next month, and disbursed.

13. There shall be no orders as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/rk/ns/sd