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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 164/1987

Date of decision:23.03.1993.

MP 744/1993

Shri Husan Singh

...Applicant

Versus

Lt. Governor, Delhi Administration

...Respondents

For the Applicant

...In person

For Respondents

.Sh. B.R.

. Parashar, Counsel

CORAM:

THE HON'BLE MR JUSTICE S.K. CHAON, VICE CHAIRMAN

THE HON'BLE MR I.K. RASGOTRA, ADMINISTRATIVE MEMBER

1. To be referred to the Reporters or not?

JUDGMENT(ORAL)

(of the Bench delivered by Hon'ble Mr. Justice

S.K. Dhaon, Vice-Chairman)

The applicant has approached this Tribunal  
for the third time, with substantially the same grievance.

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2. The applicant was awarded a censure entry by the Superintendent of Police Lines, Delhi by order dated 11.09.1976. He preferred an appeal against that order and the appeal was dismissed by the DIG of Police on 26.03.1977. The revision petition was also dismissed by the Inspector General of Police. The Lt. Governor on 7.11.1979 dismissed the representation made by him. On 30.10.1982 the Lt. Governor dismissed the Mercy Petition submitted by him.

3. He approached this Tribunal by means of OA 514/1986 which was disposed of by the order dated 21.07.1986. This Tribunal took the view that the law did not confer any statutory right upon the applicant to prefer a mercy petition. Accordingly, keeping in view the provisions of Section 21(2) of the Administrative Tribunals Act, 1985, it dismissed the OA as barred by limitation.

4. Undaunted, the petitioner preferred a review petition which too was dismissed on 23.10.1986. It appears that during the pendency of the aforesaid OA, the applicant preferred another mercy petition on 25.10.1985 and that too was rejected on 12.09.1986. The applicant sought to make out a case that in view of the order passed on 12.09.1986, this Tribunal should review its order. The contention was

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repelled thus:-


"The fact that the mercy petition was filed on 12.09.1986 subsequent to the disposal of OA No.514/1986 cannot be a ground for reviewing our order dated 21.07.1986. If on the basis of subsequent rejection the petitioner gets a fresh cause of action, he may move an application if so advised under Section 19 of the Act. If such a petition is filed, it will be considered on its own merits. We, however, express no opinion as to whether such an application lies and whether it could be entertained or not. Presently we do not find any reason to review our order dated 21.07.1987 dismissing the application No.514/1986 as time-barred".


5. In the present application the order dated 12.09. 1986 is being impugned. The applicant, who appears in person, vehemently argued that this Tribunal had given him liberty to challenge the legality of the order dated 12.09.1986 while disposing of his review application. We do not find that the Tribunal ever made any observation that if the applicant preferred a second <sup>original</sup> ~~review~~ application impugning

the order dated 12.09.1986, the same shall be entertained on merits and question of limitation <sup>must</sup> be raked up. This Tribunal left the matter free and did not bind the Tribunal in any manner. Therefore, we are entitled to examine whether this application is being filed within time or not. It is a settled law that no party can be allowed to file successive review applications or mercy petitions. The applicant, in fact, abused the judicial process and wasted the time of the Tribunal by coming before it over and over again. This application too is liable to be rejected <sup>as</sup> and barred by limitation.

6. Merits apart, this application is also barred by such principles of res judicata, as would be applicable, in view of the order passed on 04.08.1992 by this Tribunal

7. The application is rejected. There shall be no order as to costs.

  
(I.K. RASGOTRA)  
MEMBER (A)  
23.03.1993

  
(S.K. DHAON,  
VICE CHAIRMAN (J)  
23.03.1993

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