

20.11.2024
(D/L-6)
Ct. No.4
(Naba)

W.P.C.T. 312 of 2024

Mithu Ganguly
Vs.
The Union of India & Ors.

Mr. Kallol Guha Thakurata,
Md. Wasim Rahaman
... for the Petitioner.

Mr. Brijendra Pratap Singh, Sr. Adv.,
Mr. Navneet Misra
... for the Union of India.

1. Heard the learned Counsel for the petitioner as well as the learned Counsel for the respondent authority.
2. The learned Counsel for the respondents submits that the petitioner had earlier approached this Court seeking a relief of absorption/regularisation after the Tribunal had rejected the same.
3. Thus, the order of the Tribunal on the earlier occasion attained finality and is binding *inter partes*.
4. W.P.C.T. No. 293 of 2007 was decided in the following terms on 26.08.2008:-

“We do not find any merit in this application as the judgment and order of the learned Tribunal is quite just and proper as it is well settled that absorption cannot be done de hors the Recruitment Rules. Hence the

judgment and order of the learned Tribunal is affirmed.”

5. Nearly 8 years thereafter petitioner filed an application before the Tribunal seeking the same relief as such he raises a preliminary issue of the second Writ Petition not being maintainable.
6. The learned Counsel for the petitioner submits that since the Tribunal has again rejected the petitioner's second application for the same relief, this Court should repeat the above quoted order which was passed in the earlier proceedings in favour of the petitioner on 26.08.2008.
7. We fail to understand the purpose of passing the same order rejecting the petitioner's claim, when earlier the Tribunal as well as this Court has already rejected the same prayer, and the matter has attained finality between the same parties in an earlier proceeding. The present case is a gross case of a litigant indulging in unnecessary and futile litigation burdening the Court with unwanted litigation. We do not find any occasion to pass the same order again in favour of the petitioner in view of the fact that the same issue has already attained finality in the earlier order passed in W.P.C.T. No. 293 of 2007.
8. We are of the view that such resort to successive writ petitions for the same relief between the same

parties is nothing but an abuse of the writ jurisdiction. Such successive invocation of jurisdiction under Article 226 after the earlier writ petition for the same relief has been rejected, in absence of any fresh cause of action, in fact should be discouraged by imposing costs. Seeing the nature of relief however, we refrain from doing so.

9. The Writ Petition is dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)