
(2005) 03 MAD CK 0124
In the Madras High Court
Case No : Writ Appeal No. 2957 of 2002

Umesh Bhargava

APPELLANT

Vs

The Union of India (UOI)

RESPONDENT

Date of Decision : 30-03-2005

Acts Referred:

Citation : (2005) WritLR 282

Hon'ble Judges : Markandey Katju, C.J;F.M. Ibrahim Kalifulla, J

Bench : Division Bench

Advocate : T.N. Sugesh, for the Appellant; V. Balasubramanian, Sr. Central Govt. Standing Counsel, for the Respondent

Final Decision : Allowed

Judgement

Markandey Katju, C.J.—Heard the counsel for the parties.

2. We have perused the impugned order of the learned single Judge dated 18.7.2002. The learned single Judge has dismissed the writ petition on the ground that the petitioner had earlier filed another writ petition being Writ Petition No.5620 of 2002 which was disposed of by order dated 25.2.2002. The order dated 25.2.2002 only directed that the petitioner's representation be decided. Hence it was not a decision on merits and as such the order dated 25.2.2002 does not operate as res judicata. The principle of res judicata applies when there is a decision on merits, and not otherwise. Now that the representation has been decided, the petitioner has challenged the order deciding the representation. We therefore cannot see how the writ petition could have been dismissed on the ground that the petitioner had earlier filed a writ petition.

3. In view of the above, we set aside the impugned order and remand the matter to the appropriate learned Judge for a fresh decision on merits. The writ appeal is allowed. No costs. Post the writ petition in the first week of July 2005.