

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH  
NEW DELHI

OA 2531/1999

New Delhi this the 8th day of December, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Balkar Singh
2. Sanjeev Kumar
3. Braham Prakash
4. Giri Raj
5. Ashok Kumar Manjhi
6. Jai Kishore Sah
7. Oshihar Manghi
8. Bhram Pal
9. Satyender Manjhi
10. Rajbeer Singh
11. Suresh Chand
12. Daya Krishan
13. Dular Chand Prasad
14. Chaman Lal
15. Sudesh Kumar
16. Bishnundeo Yadav
17. Rajesh Kumar
18. Bhagat Singh
19. Lal Chand
20. Anil Kumar
21. Sunder Singh Rana
22. Vidya Nand
23. Shyam Lal
24. Suresh
25. Vinod Kumar
26. Satyender S. Rawat
27. Suresh Ram
28. Tek Singh

.. Applicants

(All C/O Balkar Singh S/O Shri  
Rattan Singh R/O Village Khere  
Gujjar The Ganaur, Distt. Sonipat,  
Haryana.

(By Advocate Dr. Surat Singh, learned  
counsel through proxy counsel Sh. Javed  
Ahmed )

Versus

The Chairman,  
Staff Selection Commission,  
Block No.12, Kendriya Karyalaya Parisar,  
Lodi Road, New Delhi-3

.. Respondent

(By Advocate Sh. D. S. Mahendru)

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O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

In this application, twenty eight applicants, have challenged the illegal and arbitrary action of the respondents in not regularising their services, despite the fact they have been given 'Temporary Status' w.e.f. 1.9.1993 in terms of the Scheme prepared by the Department of Personnel and Training on the subject dated 10.9.1993.

2. I have heard learned counsel for the parties and perused the pleadings.

3. A preliminary objection has been taken by the respondents in Paragraph 1 of the OA that the OA is not maintainable for non-joinder of necessary parties, namely, UOI and hence the OA deserves to be dismissed on this ground. Another objection is taken that the present OA is vague and <sup>mis</sup> ~~conceived~~. This reply has been filed as far back as 4.7.2000 and the applicants have also filed rejoinder to the reply on 20.9.2000. In the rejoinder, there is not even a whisper to the preliminary objection taken by the respondents or any steps <sup>having</sup> ~~been~~ taken by them to remedy the situation. Shri Javed Ahmed, learned proxy counsel for the applicants has very fervently prayed that he may be given further time to suitably amend the OA and memo. of parties at this stage.

4. Taking into account the aforesaid facts and circumstances of the case, it was well open to the learned counsel for the applicants to have made suitable amendments in the memo. of parties <sup>the</sup> well in time, especially when it is noted that infirmity of non-joinder of necessary parties has been pointed out by the

respondents more than six months back i.e. in July, 2000.

Further, this case has been listed at Serial No. 3 in today's cause list under regular matters under the caption

"Matters will be taken up serially and no further adjournment will be granted." Besides, this is a Single Bench matter, and the OA has been filed on 25.11.1999 and pleadings are complete.

5. Taking into account the aforesaid relevant facts of the case, the prayer of the learned counsel for the applicant for an adjournment on the above ground neither appears to be reasonable nor warranted and the same is accordingly rejected.

6. Therefore, without looking into the merits of the case, the preliminary objection taken by the respondents regarding non-maintainability of the OA for non-joinder of necessary parties is upheld. Accordingly O.A. is dismissed. No costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)  
Member (J)

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