

In the Central Administrative Tribunal

Principal Bench: New Delhi

OA 354/87

Date of decision: 03.09.1992.

Shri U.N. Srivastava & Others

...Petitioners

Versus

Union of India through

...Respondents

Secretary, Department of Telecom. & Others.

Coram:-

The Hon'ble Mr. Justice V.S. Malimath, Chairman

The Hon'ble Mr. I.K. Rasgotra, Administrative Member

For the petitioners None


For the respondents None


Judgement (Oral)

(Hon'ble Mr. V.S. Malimath, Chairman)

None appeared either for the petitioners or for the respondents. This itself is sufficient to dismiss this petition. We also noticed that the appointment of Respondent No.2 has been challenged. The order of appointment says that the appointment has been made in pursuance of the judgement of the Madras High Court in Writ Petition No.5975 of 1981 filed by Respondent No.2. The grievance of the petitioners is that persons likely to be affected by the judgement of the Madras High Court were not impleaded. In a situation like this the remedy of the petitioners is not to approach the Tribunal for relief. It is obvious that the same authority cannot be bound to obey conflicting directions, one by the Madras High Court and another by this Tribunal. That is why in

such
/a situation it has been pointed out by the Supreme Court and it is now settled law that the proper course to be adopted by persons who are aggrieved by a judgement in a case to which they are not parties is to move that very forum for reopening the judgement on the ground that they ought to be heard before a final decision is taken. This would avoid conflicting judgements. This has been ruled nearly three decades back by the Supreme Court. This is a substantial ground for not interfering in this case with the appointment of Respondent No.2 made in pursuance of the judgement of the Madras High Court in Writ Petition No.5975 of 1981. Hence this petition fails and is dismissed. No costs.


(I.K. Rasgotra)
Member(A)


(V.S. Malimath)
Chairman

September 3, 1992.

san.