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In the Central Administrative Tribunal
Principal Bench: New Delhi

Regn. No. OA-662/87

Date of decision: 17.09.1992.

Shri P.V. Philip

...Petitioner

Versus

Union of India through
the Secretary, Ministry of Railways,
Railway Board, New Delhi & Another.

...Respondents

Coram:-

The Hon'ble Mr. Justice V.S. Malimath, Chairman
The Hon'ble Mr. I.K. Rasgotra, Administrative Member

For the petitioner None

For the respondents None


Judgement (Oral)

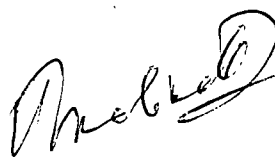
(Hon'ble Mr. Justice V.S. Malimath, Chairman)

None appeared either for the petitioner or for the respondents when the case was taken up for hearing. We have perused the records. Apart from the fact that this case is liable to be dismissed for default we find on merits also that this is not a case in which we can interfere for the reason that the persons likely to be affected by the decision have not been impleaded as parties. The petitioner has challenged the order dated 19.11.1985 by which he along with 39 other Group 'B' officers have been appointed substantively to the Junior Scale of Group 'A' Indian Railway Service of Engineers w.e.f. 14.10.1985 and prays that the said order should have effect from

1.1.1984. This would naturally affect the seniority of those who have been appointed between 1.1.1984 and 14.10.1985. As a matter of fact, the petitioner on the basis of his deemed date of appointment dated 1.1.1984 claims that his name should be placed in the seniority at the appropriate place. None of the officials, above whom the petitioner claims seniority by this process, have been impleaded as parties. As the relief claimed by the petitioner is bound to affect the interests of those who are not before the Tribunal in these proceedings, we will not be entitled to grant any relief to the petitioner. Hence on merits it is not possible for us to interfere with the case.

2. For the reasons stated above, this petition fails and is dismissed. No costs.


(I.K. Rasgotra)
Member(A)


(V.S. Malimath)
Chairman

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