

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 PRINCIPAL BENCH, NEW DELHI
 * * * *

R.A. 130/91 in O.A. 2074/89

DATE OF DECISION 20.8.91

Shri Mohd. Aziz Qureshi Vs. Union of India & Ors.

O R D E R

The Review Petition has been filed against the order of this Tribunal passed in O.A. 2074/89 by which it was directed that the applicant should implead as respondents, the employees named in the representation (Annexure-A 6 of the Original Application), i.e., Shri Sudhir Gumaste, Amrish Kumar P., Prem Dixit, R.S. Shankaranarayan and Miss Ranjana M.

2. The learned counsel for the petitioner has referred to the fact that in the case of Rajbir Singh & Others Vs. Union of India-Civil Appeal No.5317/90, the Hon'ble Supreme Court vide judgement dt. 12th November, 1990 repelled the argument of the opposite party ^{for impleadment of necessary party} in that case. The Hon'ble Supreme Court held, "We are unable to find any merit of this submission for the simple reason that the question of law involved in this case whether a person appointed on an officiating basis to a substantive vacancy and working there for a considerable period of years is entitled to have this period of ad-hoc service be reckoned while being regularised in the promoted post."

Jha

3. We have gone through the record and the various grounds taken by the applicant. We have ordered the impleadment of parties on the ground also that the seniority list of Copying Branch Typists dt. 1.4.1989 of the Western Railway shows that R.S. Shankaranarayan and Kumari Ranjana Mish. are senior to the applicant/petitioner, Abdul Aziz and this seniority list has not been challenged. Secondly, the applicant has come to this Tribunal for quashing the seniority list (Annexure-A 5) which is almost the same as Annexure-R 1, which was issued in November, 1988. Shri Sudhir Gumaste and others were being shown junior by the applicant as Jr. Stenographer to R.S.G. sometimes in May, 1986. The case of the applicant is that he has been promoted in the grade of Rs.1200-2040/- (R.P. on 1.8.83). The applicant in his representation (Annexure-A 6) has asserted that he should have been assigned seniority above Sudhir Gumaste and others as the quota-rota system has failed and selections were not conducted year to year basis as per rules laid down by the Board. In view of this, the authority of Rajbir Singh's case does not apply as in the present case, the question of fact also is to be undergone while adjudicating the Original Application. The Full Bench of this Tribunal in the case of T.S. Gopi and others Vs. Deputy Collector of Customs and others decided on 31.3.1989 (Ernakulam Bench) reported in 1989 (2) CAT SLJ page-337, relying on the decision of the Hon'ble Supreme

[Handwritten signature]


Court in the case of Udit Narayan Singh Vs. Board of Revenue-AIR 1963 S.C. p-786 laid emphasis on the impleadment of necessary parties to an application.

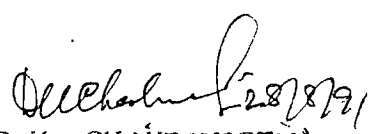
It has been observed as follows :-

"The second principle to be observed is all parties who are beneficiaries under the impugned order must be impleaded as in case the said order is set aside or quashed the beneficiaries will be affected. The principle that no party should be condemned without an opportunity of hearing has to be followed. Hence all those likely to be affected by setting aside the impugned order are necessary for a full and proper decision of the case. The exception pointed out by the Supreme Court in the case of B.Prabhar Rao v. State of Andhra Pradesh may be applicable in cases where similar situation arise."

4. Having given a careful consideration, we do not find any substantial ground to review our order to impleadment of necessary affected parties in the case.

5. The Review Application is without merit and is dismissed by circulation.


(J.P. SHARMA) 28/8/91
MEMBER (J)


(D.K. CHAKRAVORTY)
MEMBER (A)