

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 1ST DAY OF September, 2009)

PRESENT :

**HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J
HON'BLE MRS. MANJULIKA GAUTAM, MEMBER-A**

ORIGINAL APPLICATION NO. 914 OF 2004 (U)
(U/s, 19 Administrative Tribunal Act.1985)

Sri Vinoy Kumar Joshi, Son of late Sri Gopi Ram Joshi, Resident of H-227, Survey Estate, Hathibarkala, Dehradun, Uttaranchal.

.....Applicant

By Advocate : Shri Rakesh Verma.

Versus

1. Union of India, through Secretary, Ministry of Science and Technology, New Delhi.
2. Surveyor General of India, Survey of India, Hathibarkala, Dehradun, Uttaranchal.
3. Director, Map Publication Directorate, Survey of India, Hathibarkala, Dehradun, Uttaranchal.
4. Dinesh Kumar Misra, Senior Reprographer, Map Publication Directorate, Survey of India, Hathibarkala, Dehradun.

..... Respondents

By Advocate : Shri S. C. Mishra.

ORDER

(DELIVERED BY: JUSTICE A. K. YOG- MEMBER-JUDICIAL)

Heard Shri Rakesh Verma on behalf of the Applicant and Shri S. C. Mishra Senior Standing Counsel Central Government representing the Respondents.



2. The main ground taken in the OA is discrimination in the matter of Dinesh Kumar Mishra, impleaded as Respondent No. 4 (who has not been served with Notice of the OA- till date).

3. None at the Bar or Court Officer or with Registry pointed out (even after hearing OA for more than 1 ½ hour) that no notice was issued by the Registry to the Respondent No. 4 in spite of order of the Tribunal dated 23.08.04, which reads:-

23.08.04

Hon' Mr. Justice S.R. Singh, V.C.

Hon' Mr. D.R. Tiwari, A.M.

Admit. Issue notice. Notice for Respondent Nos. 1 to 3 has been received by Sri S. Singh. C.A. may be filed by the date fixed.

List on 12.10.04 before Registrar for completion of pleadings.

4. We have perused the order sheet. Notice was not issued to the Respondent No.4. The Applicant also did not care to take to ensure service on Respondent No. 4. Unfortunately, the then Registrar and other officers of Judicial Section made misleading endorsements reflecting OA-ripe for hearing. Unless Judicial Section-is manned by persons-having Judicial background/experience, working of the Tribunal cannot be expected to improve. Present working of Judicial Section in Tribunal is in shambles, we are sorry, to say virtually to be pitied.

"(17). Dt. 01.11.06

Hon' Mr. Justice Khem Karan, V.C.

Hon' Mr. M. Jayaraman, A.M.



Since Sri D. C. Saxena, counsel for applicant is no more, therefore, notice will go to the applicant to engage some other counsel of his choice.

List on 12.12.06.

NOR

Vide Hon'ble Court's order
dt. 01.11.06, notices issued
by Regd post on 13.11.06.
submitted.]".

Sd/ = ill.
01.12.06

Note of the Registry dated 31.06.09 reads: -

"...OA admitted on 23.08.04 notice issued
on 13.11.06 by Regd. Post. AD per Respt. No. 4. No
unserved notice return back so far....."

Submitted.

Sd/ = ill Clerk
31.06.09

NOR: Dated 01.07.09

"Dealing Assistant report is not correct. No notice issued to Respondent No. 4...."

Sd/ = ill
SO

Aforesaid note of Registry, 'dealing-hand' in Judicial Section is, on the face of it is incorrect as is event on perusal of the previous orders quoted below.

5. Above, 'Notes of Registry' dated 31.06.09 is apparently misleading. Notice issued on 13.11.06 was sent to the applicant and not to Respondent No. 4.



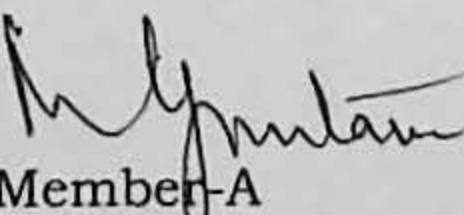
6. However, we proceed to hear the matter as we have heard the matter for after about half an hour.

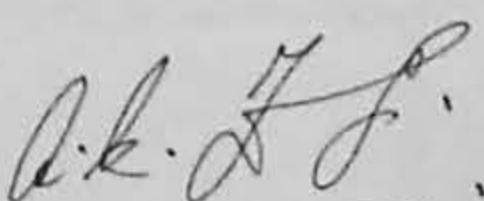
7. Heard counsel for the parties and perused the pleadings contained in the OA it may be noted that this OA raises question regarding seniority/promotion on behalf of applicant claiming parity with Respondent No.4. Since Respondent No. 4 has not been served and there is no prayer to ensure serve now, this OA deserves to be dismissed. OA is dismissed against Respondent No.

4.

8. Now the question is whether any relief can be extended to the applicant in absence of Respondent No. 4. We find that no relief in the OA can be extended in absence of effected person (viz. Respondent No. 4). In view of the above, OA we have no option but to dismiss OA on the ground of non-impleadment of necessary party.

9. OA dismissed. No costs.


Member-A


Member-J

/s.v./-