

OPEN COURT
CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Allahabad this the 11th day of August, 2009

PRESENT:

HON'BLE MR. A.K.GAUR, MEMBER-J

HON'BLE MRS.MANJULIKA GAUTAM, MEMBER-A

Original Application No.125/2005
(U/s 19 of the Administrative Tribunals Act 1985)

1. Ashiq Ali, S/o Sakir Ali
R/o Village Near Kursiya Madarsa,
Mohalla Khunipur, Post Office Gita Press,
District Gorakhpur, Presently posted as
Tele-Communication Mechanic (T.C.M.) I,
Railway Telephone Exchange,
N.E. Rly, Gorakhpur.
2. Lal Baboo, S/o S.N. Tiwari,
R/o Village and Post Office Jauhara Bazar,
District Kushinagar. Presently posted as
Tele-communication Mechanic (T.C.M-I),
Railway Telephone Exchange,
N.E.Rly., Gorakhpur. ...Applicants.

(By Advocate : Sri R.B.Yadav)

Versus

1. Union of India through Secretary,
Railway Board, New Delhi.
2. The General Manager, N.E. Railway, Gorakhpur.
3. The General Manager (Karmik), N.E.Railway, Gorakhpur;.
4. The Chief Personnel Officer (C.P.O.),
N.E.Railway, Gorakhpur.
5. The Chief Signal & Telecommunication Engineer,
(C.S.T.E.) N.E.Railway, Gorakhpur.
6. The Senior Section Engineer, Tele-comm.
Telephone Exchange,
N.E.Railway, Gorakhpur. ...Respondents.

(By Advocate : Mr.S.K.Anwar)

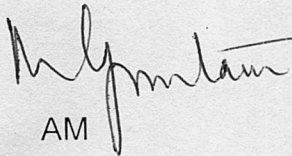
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
ORDERHON'BLE MR. A.K.GAUR, MEMBER-J

We have heard Shri RB Yadav, learned counsel for the applicant and Mr. S.K.Anwar, learned counsel for the respondents. Shri S.K. Anwar, learned counsel for respondents has raised a preliminary objection that the persons who have been selected in pursuance of the notification dated 2.12.2004 have not been impleaded as one of the respondents in the O.A. and the O.A. is liable to be dismissed on the ground of non-impleadment of necessary parties.

2. We have heard the learned counsel for the applicant at length and perused the decision rendered by the Hon'ble Supreme court reported in 2007 (1) SLR 374 Kum. Reshmi Mishra Vs. M.P. Public Service Commission, it has been held by the Hon'ble Supreme Court that all selected persons are necessary parties and without their impleadment, the question and controversy should not be resolved. Since, none of the selected candidates has been impleaded as one of the respondents in the O.A., we are firmly of the view that this application is liable to be dismissed for want of impleadment of necessary parties.

3. O.A. is dismissed accordingly. No costs.


AM


JM