

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

THIS THE 29th DAY OF JULY 2021

MISC. IMPLEADMENT APPLICATION NO. 330/1646/2019

Amit Kumar S/o Late Shri Ganga Ram Yadav R/o 16-B, Malak Raj, Rambagh, Allahabad.

.....proposed applicant

In

ORIGINAL APPLICATION NO. 330/40/2019

HON'BLE MRS. JUSTICE VIJAY LAKSHMI, MEMBER (J)

HON'BLE MR. TARUN SHRIDHAR, MEMBER (A)

COD Chheoki Shramik Union, Allahabad through its Secretary, Shri Amit Kumar, son of Shri Ganga Ram Yadav R/o 16-B, Malak Raj, Rambagh, Allahabad.

.....Applicant

By Advocate : Shri Vikas Budhwar/Shri Udayan Nandan

Versus

1. Union of India through its Secretary, Ministry of Defence Government of India, New Delhi.
2. Directorate General of Staff Duties (SD-8), General Branch Staff, Integrated HQ of MOD (Army), DHQ PO, New Delhi -110011.
3. Directorate General of Ordnance Services Master General of Ordnance Service Branch, Integrated HQ of MOD (Army), Sena Bhawan, New Delhi.
4. Central Ordnance Depot (COD), Chheoki, Allahabad through its Commandant.
5. Commandant/Officiating Commandant Central Ordnance Depot (COD), Chheoki Allahabad.

.....Respondents

By Advocate: Shri D.S. Shukla

O R D E R

Delivered by Hon'ble Mrs. Justice Vijay Lakshmi, Member (J).

1. The instant MA is an impleadment application filed by one Amit Kumar with prayer to implead him as applicant No.2 in the instant OA.
2. We have heard learned counsel for both the parties and perused the records.
3. The present O.A. has been filed challenging the order dated 11.12.2018, by which the Civilian Staff of the Central Ordnance Depot, Chheoki has been disbanded by way of redeployment.
4. Ld.counsel has submitted that the applicant Amit Kumar, is Secretary of COD Shramik Union Allahabad and is representing the interest of aforesaid Trade Union, therefore, being an affected party, he should be impleaded as applicant No.2 in the OA.
5. Learned counsel for the respondents has vehemently opposed the prayer for impleadment by contending that the impleadment application is wholly misconceived. It is submitted that the original application itself is not maintainable in view of the fact that the applicant has already opted for the jurisdiction under Industrial Dispute Act 1947 while invoking the provision of conciliation proceeding and has initiated proceeding before the

Conciliation Authority under the Industrial Dispute Act. However, at the same time, he has also approached this Tribunal in the same matter. Therefore, he cannot be permitted to avail two remedies simultaneously and there is no basis for impleading a person who has already availed another remedy available to him. It is further contended that at time of filing of the instant OA, the applicant's name was already mentioned as applicant No. 2 in the array of parties. However, the Registry pointed out an objection that the OA being filed by two applicants, a Misc. Application under Rule 4 (5) of CAT (Procedure) Rules, should have also been filed. Against the objection raised by the Registry, learned counsel for the applicant submitted that he may be allowed to delete the name of applicant No.2 Amit Kumar. The Tribunal heard the matter and vide order dated 21.01.20219, permitted the applicant to delete the name of applicant No.2 Amit Kumar from the array of parties. In compliance of order of the Tribunal, the name of Amit Kumar as applicant No.2 in the OA, was deleted. Now the learned counsel for the applicant is making the same prayer to implead Amit Kumar as applicant No.2 by means of instant impleadment application. On the aforesaid grounds, it has been prayed that the Impleadment application be rejected.

6. A perusal of the array of parties, in the instant OA shows that applicant No.1 is COD Chheoki Shramik Union, Allahabad through its Secretary Shri Amit Kumar. In view of the above that

Amit Kumar is already impleaded in the OA, in representative capacity, he being secretary of the Trade Union, there does not appear any requirement to implead him in personal capacity.

7. Impleadment Application is liable to be rejected and is accordingly rejected.
8. Hon'ble Mr. Tarun Shridhar, Member (A) has consented to the order during virtual hearing.

(TARUN SHRIDHAR)

Member (A)

(JUSTICE VIJAY LAKSHMI)

Member (J)

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