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(Bench No.1)

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD.

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Misc. Application dated 4.11.1985 (48-Ga)
&
Misc. Application dated 21.9.1985 (45-Ga)

in
Reg. No. T.A. 156 of 1986 (T)
(C.A.No. 319 of 1984.)

Union of India . . vs. . . Hari Das.

Hon'ble Justice S.Zaheer Hasan, Vice Chairman.

Hon'ble Mr. Ajay Johri, Member(A).

(Delivered by Hon. S.Zaheer Hasan, V.C.)

Civil Appeal No. 319 of 1984 has been transferred from the court of District Judge Varanasi to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985.

Hari Das had filed a suit for declaration that his termination from service was illegal. ~~Ma~~ ~~ix~~ This suit was decreed by the learned Munsif. Union of India has come up in appeal. During the pendency of this appeal plaintiff Hari Das died on 8.3.1985. Union of India moved an application for impleading Mahesh, the nephew, and Sukh Dei the daughter of ~~the~~ deceased Hari Das, as respondents (Application dated 4.11.1985, paper no. 48-Ga) Mahesh Prasad claiming himself to be the Nephew of deceased Hari Das ~~has~~ also moved an application for substitution of his name as respondent (Application dated 21.9.1985, paper No. 45-Ga).

Mahesh Prasad, the nephew, is claiming the title on the basis of a will and according to Sukh Dei there was no will and this will has been forged. A civil suit

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regarding the genuineness of this will is pending in the civil court, so, ~~we are not going to~~ ^{it is not necessary} decide as to whether Mahesh Prasad is owner of the assets left by Hari Das on the basis of the will. This will be decided by the proper court at the proper stage.

So far as this appeal is concerned, the appellant has moved an application to implead Mahesh Prasad and Sukh Dei as respondents. Let both of them be impleaded as respondents as prayed, subject to the observation made above.

List the appeal for hearing on 2.1.1987.

6.11.1986. Vice Chairman.
R.Pr.

[Signature]
Member (A).