



Court no.2.
Reserved.

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Transfer Application no. 1163 of 1986.
(C.R.No. 239 of 1985)

Union of India and 3 others :: Revisionists
(Defendants)

Versus

Ram Raksha Pandey :: Respondent
(plaintiff)

Hon'ble D.S.Misra-AM
Hon'ble G.S.Sharma-JM

(Delivered by Hon'ble D.S.Misra)

This is a revision petition against the order dated 22.8.1985 passed by the learned Munsif XII Gorakhpur in Original Suit no.872 of 1984 which has come to us on transfer under Section 29 of the Administrative Tribunal Act XIII of 1985.

2. In his suit, the plaintiff has sought a relief of declaration that he is entitled for joining duty from the date of his appointment, that the cancellation order dated 27.1.1983 cancelling the selection and appointment of the plaintiff be declared illegal, inoperative, unconstitutional and not binding on the plaintiff. He has also sought a relief of injunction that defendants be restrained from making any fresh appointment on the said post. He has prayed for back wages, seniority and other consequential benefits.

3. The defendants filed written statement

BR

(2/2)

denying the claim of the plaintiff. The plaintiff filed certain papers in support of his claim and also filed an application under Order 11 C.P.C. seeking a direction from the defendants to answer following interrogatories.

1. Please state the date of medical examination of the plaintiff and also state the despatch number through which the same has been received in the office of the defendant.
2. Please state the date of character verification of the plaintiff which was verified by the civil authorities, i.e., the District Magistrate and also state the date and despatch number through which the same has been received in your office.
3. Please also state the date of letters issued by the defendant no. 4, i.e., the Executive Engineer (Bridge Workshop) N.E., Railway, Gorakhpur in respect of the character verification and medical examination of the plaintiff-applicant.
4. The defendants challenged the relevancy of the interrogatories filed by the plaintiff. Learned Munsif passed the impugned order and held that the interrogatories proposed by the plaintiff were relevant to the points raised in the plaint and were admissible under Order 11 C.P.C.. Learned Munsif also held that the liability to answer questions is the joint liability of defendants.

be

AV
J.M.

-3-

5. We have heard the arguments of the learned counsel for the parties and we are of the opinion that the interrogatories are relevant to the matters under adjudication as held by the learned Munsif. In their reply the defendants had conceded the fact of selection being held as claimed by the plaintiff, but had stated that the selection was null and void and the Executive Engineer Engineer (Bridge Workshop) N.E.Rly, Gorakhpur had no authority to hold the selection. The other finding of the learned Munsif is that the concerned authority of the Railway Administration had a joint liability in the matter. We are of the opinion that for a proper adjudication of the claim made by the plaintiff in the suit, it is necessary that all material facts of the case are brought on record and the stand taken by the defendants in merely denying the claim of the plaintiff and not filing copies of documents in their possession was dilatory and should not be allowed to prevail.

6. No other points have been raised by the learned counsel for the revisionists.

Accordingly, we reject the revision petition without any order as to costs.

Sharma
A.M. 16.1.87

Subbarao
J.M. 16.1.87

J.Singh/ 16.1.1987.