

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 31st day of August, 2001

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

REVIEW APPLICATION NO. 23 OF 2000

On behalf of

Divisional Railway Manager,
Northern Railway, Allahabad.

. Applicant/
Respondent No. 2

IN

ORIGINAL APPLICATION NO. 1847 OF 1992

Ashok Kumar Gupta,
s/o Shri Narayan Das Gupta,
r/o 74/14, Sarvodaya Nagar,
Allahabad.

(By Advocate; Sri A.K. Pandey) Applicant

Versus

1. Union of India,
through Ministry of Railway.

2. Divisional Railway Manager,
Northern Railway, Allahabad.

3. Additional Divisional Manager (Irst),
Northern Railway, Allahabad.

4. Station Superintendent,
Northern Railway,
Allahabad.

. Respondents

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O_R_D_E_R

(By Hon'ble Mr. Rafiq Uddin, JM)

This review application has been filed on behalf of the Respondents, seeking review of the order dated 21.1.2000, passed in OA No.1847 of 1992. The operative portion of the order is as under:-

" We, therefore, direct the respondents to consider the applicant for any future vacancy of C-2 category in Transportation and Commercial Departments or in any other department in the division where he can be accommodated as the applicant has made his way into panel after working for a long period as casual labour. There shall be no order as to costs."

It is stated in the review petition that since there is no post in the category C-2 in the Commercial and Transportation Departments, the appointment of the applicant in future vacancy is not practically possible, and on account of financial stringency, 30% of the existing posts are being abolished after the retirement of the employees. It is further stated that the appointments are made as per need of the department only after the post is sanctioned and created by the General Manager and hence, the General Manager, N.R., is a necessary party in the present case, who has not been impleaded by the applicant, and Divisional Railway Manager, Northern Railway, has no power or jurisdiction for the appointment of the applicant, as directed by this Tribunal. It is contended that the order, in question, is liable to be modified by dismissing the O.A. filed by the applicant.

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2. We have heard Sri A.K. Pandey for the applicant/Respondent No.2.

3. The learned counsel for the applicant/Respondents has mainly argued on the point that the General Manager being the necessary party in the present case, the order in question should be modified. We, however, do not find any force in the circular dated 6.5.98 (Annexure No.1) relied upon by the learned counsel for the applicant/Respondents. It merely states that for re-engagement of ex-casual labour approval of the General Manager is required. In other words, in case the applicant is offered any appointment, it is necessary for the D.R.M. to obtain approval of the General Manager as per these instructions. We, therefore, do not find any irregularities, if the General Manager, Northern Railway, was not impleaded in the present case. Besides, the Union of India has been impleaded through Ministry of Railways as Respondent No.1. In the present case, it is a settled law that the case cannot be dismissed merely because some necessary parties have not been impleaded. We are satisfied that the order, in question, can be implemented by the D.R.M. himself, as per instructions mentioned above. The review petition lacks merits and is dismissed.


(RAFIQ UDDIN)
MEMBER (J)


(S. DAYAL)
MEMBER (A)

Nath/