

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 6TH DAY OF DECEMBER, 2001

Original Application No.1650 of 1993

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.C.S.CHADHA, MEMBER(A)

Vishwanath Prasad, S/o Late Phagu Lal
R/o H.No.23, Hazaripur, P.O. Alinagar
Gorakhpur working as Chief Telephone
Operator, NER Telephone Exchange
Gorakhpur.

... Applicant

(By Adv: Shri V.K.Burman)

Versus

1. Union of India through General Manager, North Eastern Railway, Gorakhpur.
2. General Manager(P), North Eastern Railway, Gorakhpur.

... Respondents

(By Adv: Shri Govind Saran)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 the applicant has prayed for a direction to the respondents to grant seniority to the applicant atleast higher than M.Y Beg and to award subsequent benefit of seniority, promotion and other consequential benefits. However, M.Y Beg has not been impleaded in this OA though for the relief claimed he appears to be necessary party. It is not possible for this Tribunal to grant relief in absence of necessary party.

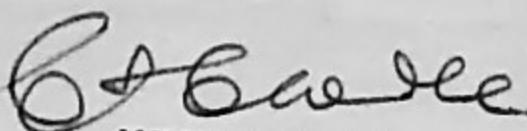
Shri V.K.Burman, learned counsel for the applicant then submitted that applicant may be given liberty to make a representation before respondent no.2, G.M.(P) N.E.Railway Gorakhpur to consider the case of his seniority and decide the representation after hearing the applicant and

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and Sri M.Y.Beg.

Shri Govind Saran, on the other hand, submitted that the seniority dispute was settled in 1968. However, ~~since~~ this OA ^{has been} is pending in this Tribunal since last more than 8 years, in our opinion liberty may be given to the applicant to make a representation which may be considered and decided on the basis of the available record.

For the reasons stated above, this OA is disposed of finally with the liberty to the applicant to file representation within a month before General manager(P), N.E.Railway, Gorakhpur. The representation if so filed, shall be considered and decided by a reasoned order after hearing the applicant and Sri M.Y.Beg in accordance with law within a period of four months. No order as to costs.


C. G. Gadee

MEMBER(A)


P
VICE CHAIRMAN

Dated: 6.12.2001

Uv/